

LITHUANIA

INTRODUCTION

In 2009, broadband infrastructure was further developed in Lithuania, in particular due to continuous deployment of fibre, and rapid expansion of a Worldwide Interoperability for Microwave Access (WiMAX) network. In the context of deteriorating economic conditions, consumers were able to profit from low prices for various electronic communication services. Nevertheless, fixed broadband penetration, and its rate of growth, were below the EU average for the second year in a row.

As regards the implementation of the EU regulatory framework, in response to formal action by the Commission, a country-wide solution for a 112 mobile caller location service was put in place in 2009. In contrast, effective separation of regulatory functions in the field of electronic communications from activities associated with ownership or control of providers of electronic communications networks or services, continued to be an issue. While Lithuanian authorities took some significant steps to improve terms and conditions of use of the incumbent's infrastructure, it appears that a more pro-active approach to the specification of market remedies, and their monitoring and enforcement, is needed, in order to allow alternative operators to compete with the incumbent on an equal footing.

REGULATORY ENVIRONMENT

Main regulatory developments

The legislative framework established by the Law on Electronic Communications did not change in Lithuania in 2009. Nevertheless, several important initiatives to change legal provisions were launched, in particular as regards the number of must-carry channels to be transmitted by cable companies and other television transmission service providers, and the limitation of construction of mobile antennas on top of residential and educational buildings.

Organisation of the NRA

The lack of effective structural separation of regulatory functions in the field of electronic communications from activities associated with ownership or control of providers of electronic communications networks or services, continued to be an issue in Lithuania in 2009. Most of the tasks of the national regulatory authority are performed by Ryšių reguliavimo tarnyba (RRT). However, the Ministry of Communications of the Republic of Lithuania (the Ministry) is directly involved in the procedures leading to the approval of the National Radio Frequency Allocation Table, as well as in the elaboration of regulations governing the provision of universal service in Lithuania. It also appears that the Ministry carries out activities associated with both ownership and control of providers of electronic communications networks or services, in particular where a company provides inter alia broadcasting transmission and wireless broadband. A reasoned opinion was sent to the Lithuanian authorities in June 2009 on the grounds that such a lack of effective structural separation was contrary to the requirements of Article 3(2) of the Framework Directive. According to the information available to the Commission services, the Government approved, in December 2009, the secondary legislation providing for the transfer of the regulatory functions to the Ministry of Internal Affairs. The Commission services are closely following the matter.

Following nine requests for dispute resolution submitted to RRT in 2008, only one such request was presented in 2009. This is partly explained by the fact that, at least for the smaller alternative operators, participating in formal dispute resolution procedures, and the associated evidence collection and submission activities, entails significant financial and human resources, even though the one-off dispute resolution fee charged by RRT itself is not significant. Making RRT's positions on specific issues public through the dedicated dispute resolution website might have contributed to the trend too.

Decision-making

In 2009, RRT carried out three new market analyses. Firstly, the third round analysis of the markets for fixed wholesale call termination as regards the incumbent and a second round analysis as regards the alternative operators. Secondly, the second round analysis of the markets for mobile wholesale call termination; and, thirdly, the second round analysis of the wholesale broadcasting transmission markets.

Lithuanian Administrative Courts have so far upheld all the RRT's market analysis decisions that had been challenged by market players, except for the one concerning the wholesale broadband access market where RRT was ordered to reconsider the remedies imposed. RRT is in the process of carrying out the second round analysis of the physical network infrastructure access (LLU) market.

RRT also proceeded with the implementation of the measures adopted under the earlier market analyses. In particular, in June 2009 RRT finalised the bottom-up long run average incremental cost (BU-LRAIC) model setting out in detail the price control obligation imposed on mobile operators as a result of the 2005 market analysis. In September 2009, RRT reduced price ceilings for digital leased lines.

Moreover, the incumbent published in 2009 several modified versions of access reference offers for different wholesale services. According to applicable regulations, any new reference offer is sent to RRT two months in advance of its entry into force. The draft is made public, and RRT is entitled to make comments, which it usually does.

Nevertheless, the alternative operators call on RRT to apply a more pro-active approach to the monitoring of compliance with the market remedies by the incumbent, to be accompanied, where necessary, by effective enforcement action and sizeable fines in particular, as provided for by the Law on Electronic Communications. This call is especially relevant in the context of reluctance by the national competition authority (NCA) to launch ex-post competition-law investigations in the electronic communications sector. As a matter of fact, following an appeal by an alternative operator against the NCA's refusal to investigate price squeeze issues and a protracted litigation, the Supreme Administrative Court of Lithuania obliged the NCA to undertake the investigation.

MARKET AND REGULATORY DEVELOPMENTS

The total turnover of the Lithuanian electronic communications sector was €0.87 billion as of December 2008 (2.7% of GDP), representing an annual growth of 4.5%, significantly less than the annual growth of more than 10% during the previous year. Revenues from fixed markets were €166 million, and revenues from mobile markets were €573 million. Lithuanian operators reduced their rate of investment by as much as 20% in the period 2007 – 2008, to approximately €109 million, resulting in an investment over revenues ratio of 12.5%, below the EU average of 14%. As of December 2008, the total value of investment by alternative

operators was almost €23 million. Mobile operators invested close to €50 million (almost 40% less than in 2007), while the fixed incumbent invested approximately €37 million. According to RRT, lower investment figures can be explained by the cyclical nature of investments in the sector, as well as slowdown in the construction industry and the national economy in general. In 2009, some consolidation took place among both fixed voice and cable operators.

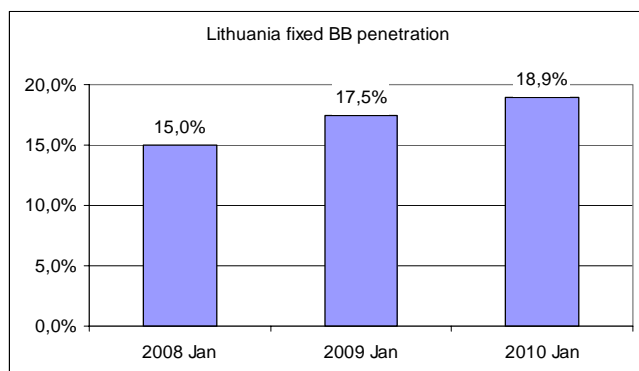
As of July 2009, just over 1.7% of the Lithuanian population were subscribers of bundled offers of electronic communication services (mainly double play). Some operators refer to the overall cost of bundled offers as the main reason why consumers are not keen to take them up. It appears that the bundled offers of the incumbent are not systematically monitored by RRT for their compliance with the market remedies.

The incumbent, Internet service providers, alternative and cable operators continued to deploy next generation networks (NGNs) - fibre to the home (FTTH) or fibre to the building (FTTB) - in 2009. A wireless network based on the WiMAX (Worldwide Interoperability for Microwave Access) technology, which was launched in three major cities by one of the 3.5 GHz spectrum assignees in 2008, extended at the end of 2009 to 17 Lithuanian cities and towns.

The first phase of deployment of the publicly funded rural fibre network (called RAIN) was completed in 2008, and has, reportedly, enabled operators to increase their network capacities. The Lithuanian authorities announced in December 2009 the second phase of the project, the major part (approximately 75%) of which would consist of laying fibre to the towers of mobile and WiMAX operators. The remaining part (approximately 25%) would consist of completing the rural public sector broadband connections, such as connection of libraries and schools. Upon completion of the project, access to broadband would be available to 98% of the population.

Broadband

Market situation



In January 2010, broadband penetration had reached approximately 18.9%, compared to approximately 17.5% in January 2009. Lithuania lags behind the EU average of 24.8%. Moreover, the rate of growth of broadband penetration was below the EU average in both 2008 and 2009. Fixed broadband services are delivered through a number of competing types of infrastructure, in particular DSL (approximately 36% of lines), fibre to the

home or building (approximately 40% of lines) and cable (approximately 8% of lines). Up to 64% of broadband lines were provided using a non-DSL technology in January 2010, largely above the EU average of 21%. The penetration of mobile dedicated data service cards, modems or keys stood at 4.8%, slightly below the EU average of 5.2%. The broadband market share of the fixed incumbent fell slightly from 50% in January 2009 to 49% in January 2010, but remained above the EU average of 45%. Moreover, the incumbent's DSL share was as high as 99%. In January 2010, 37% of all fixed broadband lines allowed speeds up to 2

Mbps, whereas around 26% of lines were enabled with speeds of 10 Mbps or more. Lithuania obtained some top ten rankings in several recent studies focusing on quality of broadband or penetration of fibre to the home (FTTH).

Regulatory issues

In the context of the legal challenge by the incumbent against RRT's formal dispute resolution decision on local loop unbundling (LLU), adopted in 2007, some improvements of the terms and conditions of LLU were agreed to by the incumbent in April 2009. In particular, the incumbent's LLU reference offer was changed to shorten the period of investigation and confirmation of service availability from 30 calendar days to 10 working days, and to reduce the LLU prices and charges. Firstly, the one-off technical investigation charge and the installation charge were reduced, resulting in the overall full LLU connection charge of almost € 77 in October 2009, substantially below the connection charge of almost € 140 one year earlier, but still above the EU average of approximately € 43. Secondly, the monthly rental price for fully unbundled local loops was reduced to approximately € 7, below the EU average of approximately € 8.6 in October 2009. As regards shared access, the connection charge was also reduced to almost € 77 (compared to more than € 140 in October 2008), but remained above the EU average of approximately € 46. The monthly rental price did not change and was € 5.5 in October 2009, largely above the EU average of € 2.2.

Despite these changes, LLU is used in Lithuania to a very limited extent – only 40 shared lines were in use at the retail level for broadband access in January 2010, and some further LLU lines were, reportedly, used for the provision of data transmission services. The number of retail broadband lines based on bitstream was also as low as 1606 in January 2010, down from 2282 in January 2009. These numbers can be partly explained by the fact that many competitors of the incumbent have their own networks. Nevertheless, in the context of relatively low retail prices for electronic communication services, the terms and conditions of use of LLU, in particular, appear to be not attractive enough for the alternative operators.

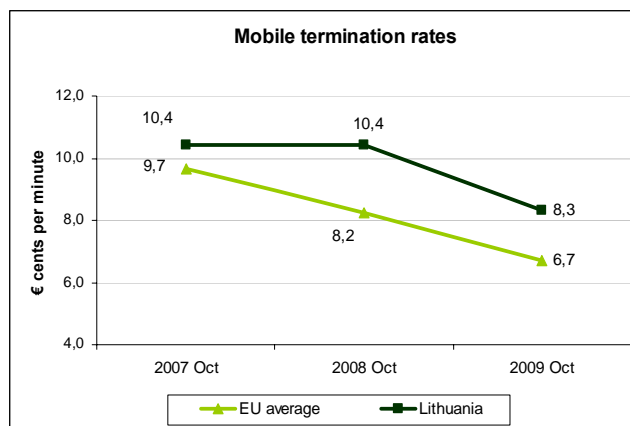
Mobile

Market situation

The mobile sector has remained the leader in terms of revenue generation, accumulating as much as 66% of total electronic communications sector revenues. The mobile penetration rate fell slightly from 148.9% in October 2008 to 147.3% in October 2009, reportedly due to the removal of inactive users from the operators' databases, but remained largely above the EU average of 121.9%. The market shares of the three mobile operators were approximately 40%, 38% and 22% in October 2009, almost identical to the situation one year earlier. The price for mobile voice communications fell further in Lithuania to €0.05 per minute, which compares favourably to the EU average of €0.13. The annual average revenue per user was one of the lowest in the EU as of December 2008, at approximately €115, compared to the European average of approximately €323.

Regulatory issues

In June 2009, RRT finalised the bottom-up long run average incremental cost (BU-LRAIC) model setting out in detail the price control obligation imposed on mobile operators as a result of the 2005 market analysis. In particular, the modelled target termination rate is 1.60 €-cents. Moreover, according to the transitional measures decided by RRT in November 2008, the glide path, consisting of 20% annual reductions, was applied in 2009. As of October 2009, this resulted in the national average mobile termination rate of 8.30 €-cents, still above the EU average of 6.70 €-cents.



In September 2009, RRT notified to the Commission the second round analysis of the markets for mobile wholesale call termination. Building on its 2005 decision that provided for the annual reductions of *at least* 20%, RRT proposed to accelerate the reduction of mobile termination rates, starting already on 1 January 2010. This was fiercely contested by one of the mobile operators, in particular due to the short period of time to prepare for a bigger reduction than originally planned, and the unfavourable economic context. However, both alternative fixed operators and the incumbent were critical of persisting high mobile termination rates that are in sharp contrast with very low retail prices for mobile communication services. In view of substantial reduction of mobile termination rates as a result of this proposal, RRT also set out a possibility to grant a transitional period for reaching efficient cost based termination rates by July 2014 at the latest. The Commission, in the comments letter, pointed out that according to its Recommendation on Termination Rates, termination charges should be set at the level of efficient costs by 31 December 2012 and no further transitional periods for reaching cost based mobile termination rates should be allowed. RRT's final decision of December 2009 provided for the reduction of mobile termination rates by 37% as of 1 January 2010. Moreover, it envisaged no transitional periods beyond 31 December 2012 and introduced measures to reduce the cost of setting-up interconnection with mobile operators which is expected to benefit alternative operators.

Roaming Regulation

All Lithuanian mobile operators complied duly and on time with the European Regulation (EC) No 544/2009 of 18 June 2009 amending Regulation (EC) No 717/2007 on roaming on public mobile telephone networks within the Community and Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services. In most cases the retail prices were set at or very close to the maximum level indicated by the Regulation.

Fixed

Market situation

The incumbent's market share in the fixed telephony market (all types of calls) by retail revenue was 92% in December 2008, one of the highest in the EU and the same as one year

earlier. The market share by volume of traffic of the Lithuanian managed VoIP providers increased slightly from approximately 1.7% in December 2007 to more than 2% in December 2008, however remained far below the EU average of 14.5%. Approximately 6.1% of subscribers used an alternative provider to make and receive fixed national calls in July 2009, a slight increase compared to 4.9% in July 2008. All the alternative operators that are currently offering public voice telephony through direct access are using their own proprietary infrastructure. These operators make up 56% of all alternative operators. In 2009, consumer and business prices of fixed communication services decreased in Lithuania.

Regulatory issues

The hybrid long run average incremental cost (HY-LRAIC) model is used to determine cost-oriented fixed termination rates in Lithuania. Comparing October 2009 to October 2008, neither the rate for local level interconnection (at 1.60 €-cents) nor the rate for double transit (at 2.10 €-cents) changed. These termination charges, therefore, remained among the highest in the EU.

In September 2009, RRT notified to the Commission new market analysis concerning the markets for fixed wholesale call termination: the third round analysis as regards the incumbent, and the second round analysis as regards the alternative operators. In particular, RRT proposed to impose on the alternative operators a price control obligation according to which they would be obliged to apply prices of call termination on their respective networks that are not higher than the prices of call termination applied by the incumbent implementing the price control set by RRT. Previously, no price control measures applied to the alternative operators. RRT also proposed a new glide path for the reduction of the incumbent's termination charges. The Commission, in its comments letter, noted that both the current and target level of termination rates remained high in comparison to the EU average for incumbent operators in 2008, and consequently urged RRT to impose steeper reductions leading to rates closer to the EU average and the level of an efficient operator. This would avoid unduly steep glide paths at the end of the transitional period provided for in the Commission's Recommendation on Termination Rates. Moreover, with regard to RRT's proposal to adapt access obligations, based on which operators cannot refuse to provide access to competitors who charge the same or lower termination fees, the Commission emphasised that access obligations are unilateral and unconditional by nature, and should, in principle, not be subject to conditions prevailing on markets other than the relevant market. RRT's final decisions of December 2009 set out, in particular, the obligation to apply symmetric rates for the alternative operators and a new glide path for the incumbent aiming at reducing the gap between mobile and fixed termination rates.

The requirement to apply symmetric termination rates was imposed by RRT on the alternative operators already in April 2009, as a provisional measure. According to RRT, this was necessary in view of the failure of the market players to agree. Nevertheless, it appears that this particular decision undermined the efforts of the alternative operators to complete the negotiations with the incumbent on better terms and conditions of interconnection.

The reported issues as regards the establishment and maintenance of interconnection points included, in particular, the requirement that alternative operators buy from the incumbent interconnection links of a specified capacity, and the distribution of costs of other interconnection equipment. These issues in fact made the overall interconnection cost asymmetric in favour of the incumbent. By its final fixed termination market analysis decisions referred to above, RRT imposed an obligation on operators to cover their own costs

of interconnection equipment (e.g. 2 Mbps ports) and installation works in their networks as well as to share equally the costs of interconnection links. These measures are expected to reduce the interconnection costs for the alternative operators.

Moreover, the alternative operators reported some new issues, such as the incumbent's refusal to terminate calls to '800' numbers, where they would expect timely resolution by RRT.

Broadcasting

Market situation

While the market share of cable television was close to 30% of Lithuanian households in July 2009, approximately 3.5% of households were using Internet protocol television (IPTV) services, whereas satellite television and digital terrestrial television (DTTV) each served close to 5% of Lithuanian households. Nevertheless, 58% of households still relied on analogue terrestrial television in July 2009 in Lithuania.

Two DTTV networks are operated by the analogue broadcasting transmission incumbent, and the other two by the fixed incumbent in Lithuania. Each network allows for the broadcasting of 10 digital programmes. All networks are already in service and together cover approximately 95% of the population.

Regulatory issues

The date set by the Government of Lithuania for the switch-off of analogue broadcasting is 29 October 2012 and is conditional upon at least 90% of Lithuanian households being in a position to receive, using any of the digital broadcasting technologies, all the free-of-charge terrestrial TV programmes (both national and local).

The Government is contemplating two types of measures in order to speed up the switch-over from analogue to digital television: financing of digital television receiving equipment for low-income households, and an information campaign. Both measures would be technology neutral.

As regards wholesale broadcasting transmission services provided by the broadcasting transmission incumbent, designated as an SMP (significant market power) operator in 2007, RRT took, in 2009, measures obliging it to make publicly available the discounts for regulated products and apply them on a non-discriminatory basis.

In December 2009, RRT notified to the Commission the second round analysis of the wholesale broadcasting transmission markets covering the analogue and digital terrestrial radio and television broadcasting transmission markets, as well as cable radio and television broadcasting transmission markets.

Horizontal regulation

Spectrum management

As regards refarming of the 'GSM spectrum' in accordance with Directive 2009/114/EC amending Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community, the Lithuanian authorities were planning to take the necessary implementing measures at the beginning of 2010.

The Lithuanian authorities have also started making plans as regards the digital dividend to become available after 2012. In particular, the first priority would be more DTTV channels, including high-definition television (HDTV) channels. One platform in the 790-862 MHz band could be allocated for mobile services (mobile TV, mobile broadband), subject to cross-border coordination issues with non-EU countries being addressed.

Implementation of spectrum decisions

Based on the Plan on the Usage of Radio Frequencies, as periodically updated, and the List of Radio Frequencies/Channels That May Be Used Without an Individual Authorisation, approved by RRT, all the Commission's radio spectrum harmonisation decisions, adopted by the end of 2008, have been implemented.

Nevertheless, in October 2009 the Commission services wrote to the Lithuanian authorities requesting clarifications concerning the way how two Commission spectrum harmonisation decisions were implemented. In particular, as regards Commission Decision 2008/411/EC on the harmonisation of the 3400 - 3800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community, the Commission services raised the issue that the allocation for mobile services had only a secondary status, whereas Decision 2008/411/EC allows both fixed and mobile services with the same status. As regards Commission Decision 2008/477/EC on the harmonisation of the 2500-2690 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community, the Commission services noted, in particular, that it was not clear if and how the current use of the band by multichannel multipoint distribution services (MMDS) will continue.

In its reply of December 2009 RRT observed that two or three new operators can be accommodated in the 2500-2690 MHz frequency band while continuing the MMDS service in the 2572-2620 MHz sub-band, a solution considered by RRT as complying with the requirements of Decision 2008/477/EC. As regards Decision 2008/411/EC, RRT explained that until November 2010 the secondary status of the allocation for mobile services is due to the regulations of the International Telecommunications Union (ITU). Nevertheless, according to RRT, the 3400 - 3600 MHz frequency band is already in use on the technology and service neutral basis, in line with Decision 2008/411/EC. RRT also referred to the plans for modification or adoption of secondary legislation concerning the two Commission Decisions in order to foster legal clarity of the harmonisation process in Lithuania. At the time of writing this report, the Commission services were examining the reply from the Lithuanian authorities.

Rights of way and facility sharing

While a symmetric duct access obligation was established by the Lithuanian law already in 2005, several issues concerning access to the incumbent's ducts persisted, reportedly, in 2009. They concern, in particular, delays by the incumbent in dealing with access requests as well as a high rate of negative replies motivated, in the majority of cases, by the lack of physical capacity. The incumbent, on the other hand, considers that duct access is cheaper in Lithuania than in the neighbouring countries and that its refusals of access are objectively justified.

In 2009, Lithuanian institutions took some steps to improve the rules regulating construction of ducts. Specifically, secondary legislation was changed to require that ducts of at least 120 mm diameter are laid to blocks of apartments. Another change made electronic communications infrastructure a mandatory part of a construction project, just as is the case with other types of infrastructure.

Moreover, some disputes, in particular a case concerning the increase of access tariffs, were decided by RRT against the incumbent. RRT is also working on a methodology that will deal with technical aspects of granting or refusing access to ducts. Finally, RRT is investigating a possibility of creating an electronic map of duct routes and is going to launch a section on infrastructure sharing on its website.

Administrative charges

It appears from RRT's latest annual activity report and the financial balance sheet that, for the year 2008, the difference (surplus) between the administrative charges collected by RRT and its administrative costs was approximately 3 million Lithuanian litas (approximately € 0.87 million). It also appears that in May 2009 the Lithuanian Parliament adopted a budget law attributing an amount of RRT's administrative revenues corresponding to this surplus for the general budget needs of 2009, thereby preventing RRT from reducing its administrative charges for the year 2009. Following concerns expressed by operators, the Commission services are looking into the matter, in particular in order to determine whether such attribution is in compliance with the requirement of the EU regulatory framework that appropriate adjustments should be made in the light of the difference between the total sum of the charges and the administrative costs.

THE CONSUMER INTEREST

Tariff transparency and quality of service

In February 2009, RRT changed its Rules on the Provision of Electronic Communication Services, in particular by introducing two new requirements for service providers. Firstly, service providers have to specify in a contract or their standard terms and conditions the difference in price of subsidised handset if sold without the contract as well as the period and method of compensation of such difference in case the handset is subsidised. Secondly, service providers have to ensure that the waiting time is free of charge in case of paid information or services by phone. Moreover, as in previous years, tariff transparency continued to be enhanced by RRT's consumer-dedicated price comparison website in Lithuania.

Universal service

In June 2009, RRT modified its regulations concerning payphones by reducing the required density of payphones: from 1.3 to 0.5 payphones per one thousand inhabitants in cities, and from 0.5 to 0.2 payphones per one thousand inhabitants in other residential areas. This is justified, in particular, by the high degree of fixed-to-mobile substitution.

Users' access to the Internet and network management

While the incumbent was not applying any Internet traffic limitations or management techniques in 2009, the mobile operators either considered or actually applied fair network usage policies according to which the Internet speed would be reduced once certain threshold defined in terms of quantity of data was exceeded. At the same time, unlimited Internet usage offers by mobile operators were available in Lithuania.

Number portability

More than 90 000 mobile number portings (transactions) took place between January and end of September 2009, compared to approximately 4 000 fixed number portings (transactions). In Lithuania the maximum time needed to port a fixed or a mobile number is five days, below the EU average of 5.9 days for fixed numbers, but above the EU average of 4.1 days for mobile numbers.

European emergency number 112

Mobile caller location information for calls to the European emergency number 112 is provided, as of 16 September 2009, to authorities handling emergencies by all three mobile operators and for the whole territory of Lithuania.

This follows the measures taken by the Lithuanian authorities in response to an infringement case and, in particular, the Judgment of 11 September 2008 of the Court of Justice of the European Communities that, by not ensuring in practice that authorities handling emergencies are, to the extent technically feasible, given caller location information for all callers to the single European emergency call number '112' when public telephone networks are used, the Republic of Lithuania had failed to fulfil its obligations under Article 26(3) of the Universal Service Directive.

According to a recent study¹⁷⁰, majority of respondents in Lithuania (51%) reported having received information about 112 as the European emergency number in the past 12 months. Consequently, there has been a significant increase in the number of respondents who now know 112 as the European emergency number from 43% in 2009 to 48% in 2010.

Harmonised numbers for harmonised services of social value (116)

The numbering range beginning with '116' has been reserved for harmonised services of social value in the Lithuanian numbering plan. In April 2009, RRT announced the winners of the tenders for the use of two '116' numbers. 116111 will be used by the State Child Rights Protection and Adoption Service for a child helpline, and 116123 will be used by the Lithuanian Association of Phone Psychological Assistance Services for an emotional support

¹⁷⁰ Eurobarometer Flash survey on the European emergency number 112 (February 2010).

helpline. As regards the number 116000 reserved for establishing a hotline for missing children, RRT intended to carry out a new tender, following the termination of the first tender in 2008 owing to lack of interest.

Must Carry

Legislative changes have been proposed in Lithuania, whereby only two television channels of the national public TV broadcaster would have the must-carry status. The current must-carry obligation consists of approximately twelve TV channels. Some network operators do not support the reform, because it would imply that operators have to pay for the re-broadcasting rights as regards the other two national (commercial) TV channels that would remain outside the scope of must-carry obligation.

Data protection

Following the opening of infringement proceedings, the Lithuanian Parliament adopted the amendments to the Law on Electronic Communications that transpose the Data Retention Directive (2006/24/EC), in November 2008. The amendments entered into force in March 2009. The Ministry is preparing drafts of Government decrees implementing the data retention legislation.

RRT approved the Regulations of the national electronic communications network and information security investigation service (CERT-LT) on 20 March 2009. According to its statistics concerning the investigations carried out in the third quarter of 2009, most of the reported security incidents concerned viruses and worms (approximately 97%), followed by illegal content (0.4%) and spam (0.4%).