

# **United Kingdom's Response to the Commission's Consultation on Net Neutrality**

The United Kingdom's responses are detailed below.

We have not responded to Questions 4 and 7, as UK is of the view that these questions address issues of concern to industry.

## **Questions 1-3**

The UK is not currently aware of any specific problems, but believes it is important to remain vigilant at both a national and EU level for any problems that may develop in both fixed and mobile networks. It may be that the recent OFCOM consultation on Net Neutrality may provide evidence

The digital economy is rapidly developing, and while we would want to encourage companies to be innovative in their business models, there is potential for such innovation to have unforeseen consequences which may impact adversely on consumers, other companies or the efficient functioning of markets.

Whether the regulatory Telecoms Framework (and specifically the changes in the Framework and Universal Services directives) will be sufficient to deal with problems that could arise in the future is, of course, a difficult question to answer. We do though believe the effectiveness of the regulatory tools available; especially the ability of National Regulatory Authorities (NRAs) to adopt Quality of Service measures would need to be carefully assessed before any further measures were adopted.

## **Question 5**

This is the crux of the whole issue. The UK agrees with the Commission that transparency is essential to ensure that consumers can make informed decisions about their Internet provision. However, it is not simple to specify the precise details of what information should be provided, and the best way to provide it. OFCOM has recently completed a public consultation which looked at this issue, amongst others. We are awaiting the results of this consultation, but believe that there will be a need to work closely with the industry and consumer groups to further develop the details of how transparency will work in practice. It will also be necessary to keep under review how such transparency is working, to determine to what extent it is allaying the concerns of consumers and other stakeholders.

## **Question 6**

The UK believes that, broadly speaking, the principles should be the same for fixed and mobile networks. However, there may need to be differences in how

those principles are applied to account for the different business models, technologies and other factors.

### **Questions 8 and 9**

The UK Government does not believe that the same quality of service conditions and parameters should necessarily be available to all providers in the same situation. Exclusive agreements between operators and service providers may be able to support different business models in a competitive market without leading to consumer or other detriment. However, if such exclusive agreements do begin to be used in the industry, then it is important that there is transparency about what they involve, and that they are kept under scrutiny by regulators to ensure they are not resulting in detriment.

It may well be that a code of principles (or perhaps agreed high level guidance) may serve a useful purpose in outlining what is considered acceptable in terms of exclusive arrangements between network operators and service providers.

### **Question 10**

The UK believes that the current free-market approach to the provision of access has worked well in the past, and so we should be cautious about trying to force any change to them. However, we will be interested to see what comments other stakeholders have about the specifics of these arrangements.

### **Questions 11-14**

These questions are more appropriate for NRAs to answer. As mentioned above, OFCOM has already held a public consultation on these issues. However, it is clear that issues around the circumstances for imposing quality of service requirements, and what those requirements should consist of, are complex, and will require co-operation between NRAs and the industry to fully resolve.

We would though think it sensible for NRAs to cooperate in any imposition of Quality of Service measures.

### **Question 15**

We do not have any other concerns to raise at this time.