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TARNYBA

**OPEN INTERNET
AND IMPLEMENTATION OF THE
REGULATION (EU) 2015/2120 IN LITHUANIA**
Report to the European Commission

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1. INTRODUCTION

Communications Regulatory Authority of the Republic of Lithuania is the authority responsible for enforcing the Regulation (EU) 2015/2120. This document is a report to the European Commission on our approach to monitoring and ensuring the compliance with the EU Regulation on open Internet access from May 2019 to April 2020.

2. SAFEGUARDING OF OPEN INTERNET ACCESS

In order to ensure end-users' right to open Internet access services, the Communications Regulatory Authority of the Republic of Lithuania has performed the following actions during the past year:

- analysis of complaints and end-users' reporting;
- technical network monitoring.

During this reporting period, less actions regulatory actions were required by RRT, because all the necessary changes for implementation of the Regulation were made in previous years by ISPs, and, in general, all ISPs conform to the requirements set out in the Regulation.

The completed assessment of collected data indicates no major concerns or restrictions for end-users' rights to distribute information and content, use and provide applications and services, use terminal equipment of their choice, irrespective of the end-user's or provider's location or the location, origin or destination of the information, content, application or service, via their Internet access service.

Currently all mobile ISPs operating in Lithuania are offering some sort of zero-rated service, or price differentiation for specific apps or content. ISPs constantly change their zero-rated offers for marketing purposes, but it did not raise any additional problems from regulatory perspective. It is quite common, that zero-rated services are offered for a limited time only for new subscribers, or bundled with pre-paid packages.

Types of zero-rated services in Lithuanian market are:

- music streaming services;
- video streaming/IPTV services;
- social media services;
- voice and short messages;
- news apps.

3. TRANSPARENCY MEASURES FOR ENSURING OPEN INTERNET ACCESS

Over the previous year the Communications Regulatory Authority of the Republic of Lithuania has made analyses of contractual terms of electronic service provision among ISPs and end-users the priority of our activity in the field of network neutrality. As this task was done in previous years, and all the necessary amendments were made in ISP's terms and conditions, no problematic areas were found in the reporting period.

For fixed network IAS, there are several ECS providers which provide information that minimum, maximum, advertised and normally available upload and download speeds are the same or almost the same (only few per cent difference between these parameters). Also, there are ECS providers which state that minimum upload and download speed is approximately 75 per cent of maximum speed.

Almost every ECS provider states that maximum and advertised speeds are equal.

For mobile network IAS, ISPs are constantly updating their maps, where the real speeds are shown, some of them introduce the maximum speed and quality technology (2G, 3G, 4G).

Mostly, the normally available speed is described in this manner:

It depends on these factors:

- Coverage of the mobile IAS;
- Distance to the station;
- Geographical and urban features (building intensity, height and technical characteristics of surrounding buildings);
- Building, where IAS is used, materials, premises;
- Weather conditions;
- Equipment used (device, SIM card and etc);
- Load of the base station and other technical parameters.

Overall, most ISPs provided the required transparency information in their contracts or informed their customers about the changes in the terms of provision of Internet access.

Almost all ISPs ensure the end-users right to apply via email, via post or directly to the office.

It is important to mention that IPS has an obligation established in the Law on Electronic communications of Republic of Lithuania to respond to the complaint in 14 days after the complaint is received."

4. MONITORING OF QUALITY OF SERVICES

Communications Regulatory Authority of the Republic of Lithuania has a long track record of monitoring QoS of Internet access services. By continuing our efforts of QoS monitoring, we promote the constant availability of non-discriminatory Internet access services at levels of quality that reflect advances in technology.

The main tools for achieving these goals are:

- Monitoring of mobile Internet access services;
- On-line speed measurement tool provided for all end-users.

Monitoring of mobile Internet access services keeps track of all ISPs that provide mobile Internet access to end-users. Data collected performing drive-test measurements of download speed in all four networks of ISPs that provide mobile Internet access is aggregated and displayed on a public interactive map available at <http://matavimai.rrt.lt/>. Using this site, end-users can see actual performance of all operators in the area that is of their interest and make a more informed decision when choosing ISP for mobile Internet access subscription.

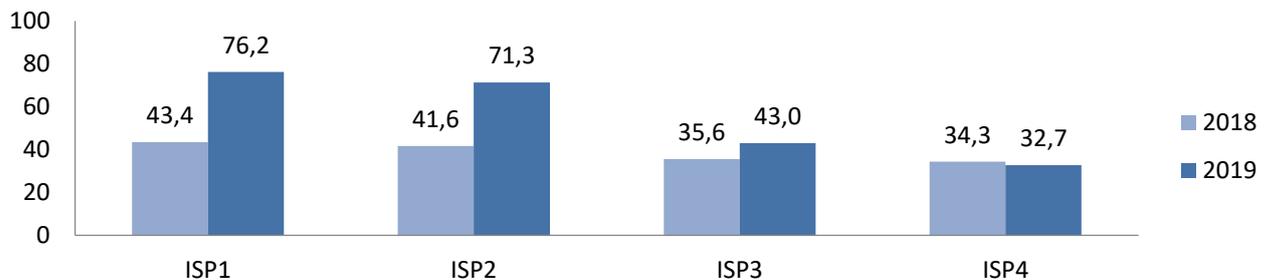


Figure 1. Average download speed in mobile networks in 2018 and 2019, Mbps. Source: matavimai.rrt.lt

As evident from the Figure 1, average download speeds saw major improvements in the networks of two operators, during the last reporting period.

Additionally, starting from 2018, RRT began measurements of IAS QoS parameters on passenger train lines across Lithuania. This complements the already available data collected from drive-tests in the cities and motorways.



Figure 2. Average download speed measured on passenger trains in 2018 and 2019, mobile networks, Mbps. Source: matavimai.rrt.lt

On-line speed measurement tool is available at <http://matuok.lt/> for all end-users to check their actual Internet access speed and compare it to the values stated in the contract with the ISP. In 2017 the measurement tool was upgraded and now enables end-users with mobile devices to check their internet access speed. Although there are no minimum QoS requirements imposed on the ISPs, and the measurement results acquired with this tool are not legally binding, it could be used as a base to file a complaint by the end-user.

In general, the quality of IAS is high in Lithuania, as most households have access to fixed IAS delivered by optic fibre networks, and LTE coverage for mobile IAS is up to 99% of territory of the country. In case of fixed IAS, ISPs have high throughput capacity to provide data speeds agreed upon in the contracts with the end-users, and mobile IAS quality (data speed) is increasing year-to-year due to advancement in LTE technology and upgrading the base stations in the network.

Table 1. List of ISPs with most measurements on matuok.lt and their average download speeds.

Internet Access Service Provider	Download Speed, Mb/s	Number of Measurements
Fixed ISP1	102,0	2554
Fixed ISP2	97,7	1725
Fixed ISP3	94,5	1399
Fixed ISP4	92,9	14949
Fixed ISP5	84,7	2551
Fixed ISP6	83,5	1934
Fixed ISP7	82,7	6005
Fixed ISP8	79,5	1320
Fixed ISP9	71,3	5584
Fixed ISP10	67,8	2194
Fixed ISP11	63,1	9122
Fixed and Mobile ISP	61,6	66515
Fixed ISP12	59,2	3416
Fixed ISP13	56,0	1635
Fixed ISP14	46,5	4047
Mobile ISP1	30,0	31898
Fixed ISP15	28,3	2370
Mobile ISP2	22,3	23119
Mobile ISP3	19,3	35026

All measurements were made by end-users, with end-user equipment of choice. Fixed, wireless, mobile IAS. Source: matuok.lt

5. COMPLAINTS

All the complaints received by the Communications Regulatory Authority of the Republic of Lithuania concerning Internet access services are dealt with on a case-by-case basis where all the circumstances are taken into account, including contractual terms, publicly available information, technology provided and other peculiarities.

During 2019, the Communications Regulatory Authority of the Republic of Lithuania received 94 complaints concerning fixed Internet access services and 42 complaints concerning mobile Internet access services. These are mainly concerning contract-termination and billing disputes among end-users and ISPs. Overall, the number of complaints received by the Communications Regulatory Authority of the Republic of Lithuania concerning network neutrality and the provisions of the Regulation during the last year did not increase and remain relatively low (single digits).

Almost all the ISPs ensure the end-users' right to apply via e-mail, via post or directly to the office.

It is important to mention that ISPs have an obligation established in the Law on Electronic Communications of the Republic of Lithuania to respond to the complaint in 14 days after the complaint is received.
