Open Internet Code Review

A Study for the Broadband Stakeholder Group

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EU-Regulation (10788/15)

Connected Continent Regulation

Part 1
Safeguarding the Open Internet

Part 2
Abolition of Surplus Roaming Charges in Europe

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2 Codes of Practice to

Foster Competition and Transparency

Established in 2011

Traffic Management Transparency Code

Established in 2012

Open Internet Code of Practice

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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

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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
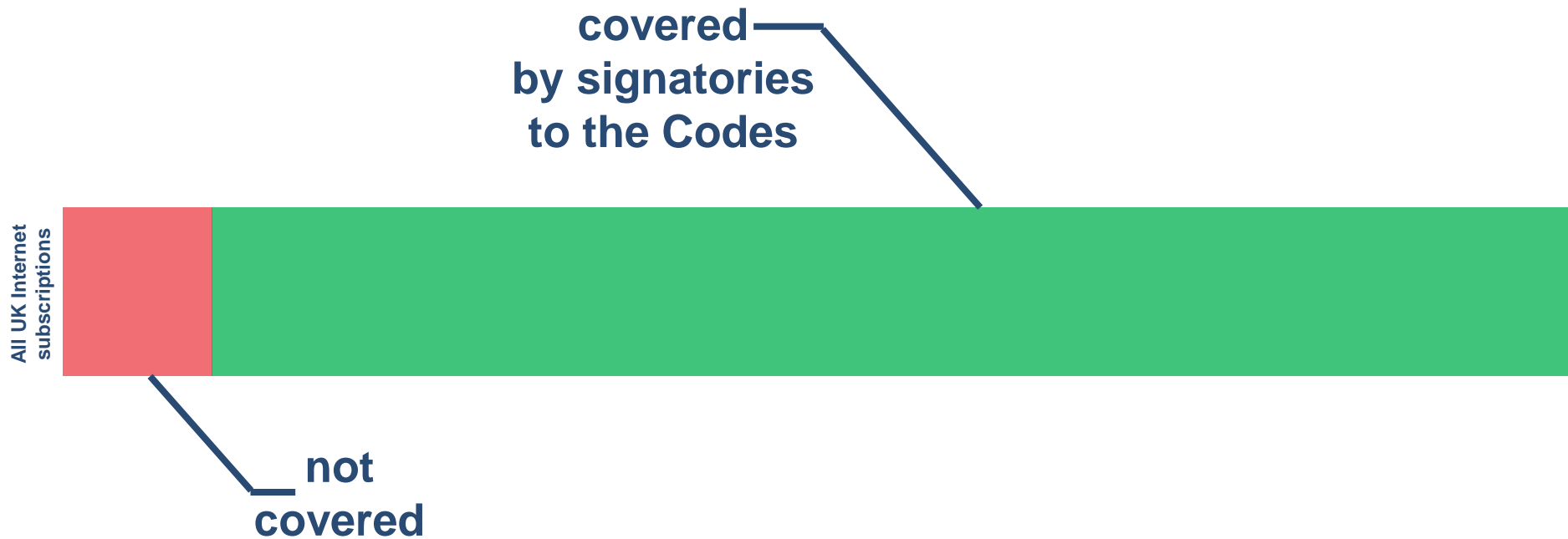their performance is usually better than government regulation

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

The Codes' Effectiveness

Today signatories to the Codes cover
More Than 90% of all UK Internet Subscriptions

covered by signatories to the Codes

All UK Internet subscriptions

not covered

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The Codes' Effectiveness

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

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Signatories' KFIs clearly show
Absence of negative discrimination

**All signatories
refrain from continuous
throttling of specific contents or applications**

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The Codes' Effectiveness

Consumer and competition profit as

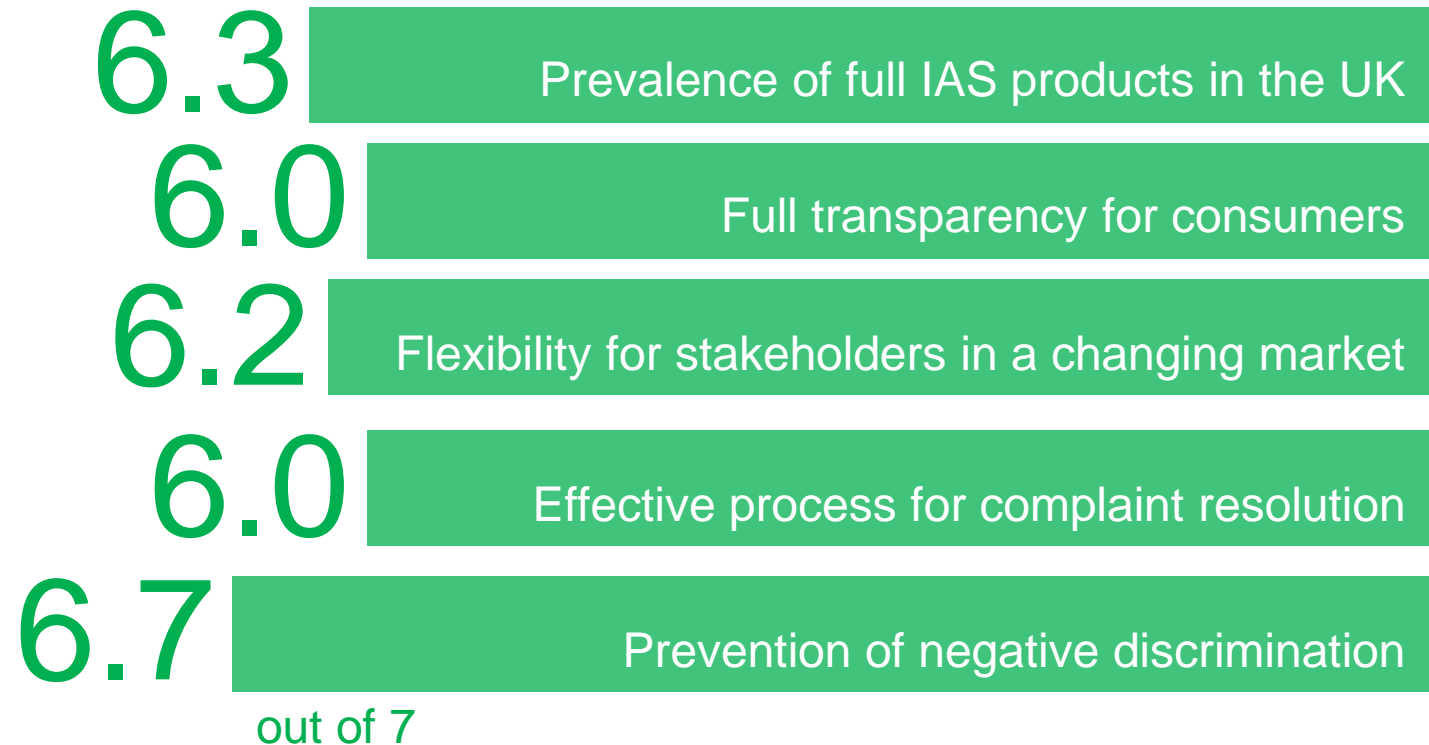## KFIs make traffic management transparent
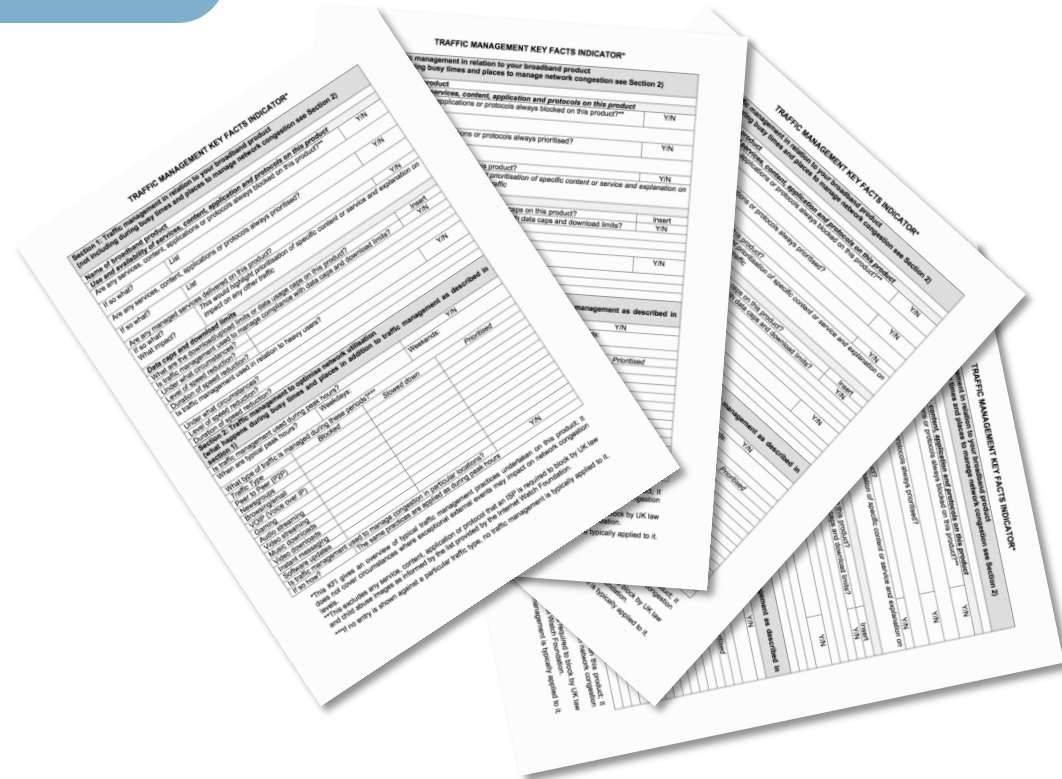
What Do Signatories of the Codes Think?

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

Scale from 1="not at all achieved" to 7="fully achieved"

Compliance of the Codes

Concept of the Open Internet

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

Compliance of the Codes

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
Codes go further than Regulation	Regulation goes further than Codes	Concept not covered in Regulation	
Compliant			Address the gaps in the Codes
-	✓	-	

Compliance of the Codes

Concept or principle in the Codes

Products that offer full Internet access are the norm

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

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Concept or principle in the Codes
Ability to offer alternative types of products

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

Compliance of the Codes

Concept or principle in the Codes

Right to develop and offer managed services

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

Compliance of the Codes

Reasonable traffic management

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

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Compliance of the Codes

Concept or principle in the Codes

Transparency about traffic management practices - KFIs

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

Compliance of the Codes

Concept or principle in the Codes
Monitoring of the commitments

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

Compliance of the Codes

Concept or principle in the Codes
Voluntary process for raising concerns

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

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

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Our Recommendations

Recommendation 1

merging of the two Codes

Recommendation 2

provide consistent guidance for the UK market

as regards the Regulation
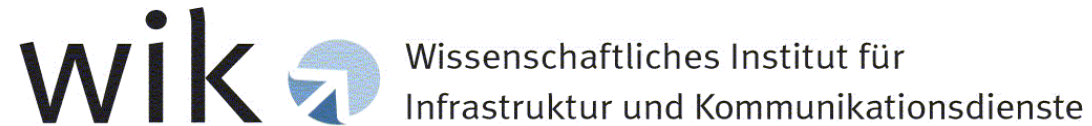
Recommendation 3

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