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Contribution
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ELISA'S CONTRIBUTION TO PUBLIC CONSULTATION ON BEREC'S DRAFT GUIDELINES ON IMPLEMENTATION OF NET NEUTRALITY RULES

Elisa welcomes the opportunity to comment the draft BEREC guidelines on implementation of net neutrality rules.

As a general remark we would like to express our concern that the guidelines seems to go beyond the mandate that was given to BEREC in the TSM regulation 2015/2120 ("Regulation"). It is our understanding that the purpose of the guidelines was to offer general principles and guidance on the implementation and interpretation of the net neutrality rules. It seems that BEREC has gone beyond that with extremely detailed guidelines, which try to prescribe what operators can and cannot do in a very precise manner. Another problem with this detailed approach is that the guidelines will not be future-proof as the development moves forward.

Regulation or implementation guidelines should never stipulate how companies develop their services or set their prices. Unfortunately, BEREC's extremely detailed guidelines might lead to a situation, where companies will not have enough room to differentiate their offerings and ultimately that would harm customers. BEREC's guidelines should give guidance for interpretations and not prohibit commercial practices per se. For example, the evaluation of different zero-rating models should be left for competition legislation.

The Regulation clearly states that agreements between ISP and end-users on commercial and technical conditions and characteristics of IAS such as speed are allowed. Therefore, it should be clear that, if ISP is differentiating its offering based on different speed categories, prioritization between different IAS (based on different speed categories) should be allowed. That is what the customers are expecting and it is only fair that customers, who have paid for faster IAS, will also get what they have paid for.

Traffic management is about how the networks are configured and it is not something that can be switched on and off. Traffic management is on all the time. Excessive and detailed interference on how reasonable traffic management should be done would hurt the efficient management of traffic and ultimately harm customers. Traffic management will become even more relevant as more and more devices become con-

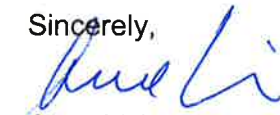
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nected. BEREC and NRA's should concentrate on the outcomes of reasonable traffic management (efficient functioning of networks) not on how reasonable traffic management is technically done.

One of the key objectives of the Regulation is that it should foster innovations not hamper them. In that regard, legislators decided not to define or regulate SoIAS in a strict manner and left some room for innovations. BEREC guidelines should not adopt more restrictive approach on SoIAS than the Regulation. As the Regulation states "providers shall be free to offer services other than internet services". Any assessment of those types of services should be done ex post.

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Sincerely,



Anne Vainio
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