### **Communication Regulatory Authority of Republic of Lithuania**

### **Zero Rate in Roaming RR vs TSM**



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**TSM regulation: Net neutrality rules:** 

 safeguard <u>equal</u> and <u>non-discriminatory</u> <u>treatment of traffic</u> in the provision of internet access services and related end-users' rights. It aims to protect end-users and simultaneously to guarantee the continued functioning of the internet ecosystem as an <u>engine of innovation</u>. Zero rate in net neutrality (domestic issue)

- Zero rate is where an ISP applies a price of zero to the data traffic associated with a particular application or category of applications (and the data does not count towards any data cap in place on the IAS).
- There are different types of zero-rating practices which could have different effects on end-users and the open internet, and hence on the end-user rights protected under the Regulation.

Zero rate in net neutrality (domestic issue)

- Zero rate is valid and legal if:
  - zero-rating offer, where all applications are blocked (or slowed down) once the data cap is reached, also must be blocked (or slowed down);
  - applied to an entire category of applications.

Zero rate in net neutrality (domestic issue)

- Zero rate is consisting of:
  - Block of specific allowance free of charge;
  - Block of specific allowance for separate charge;
    - Both times the zero-rated is not counted against the certain data volume allowance

How to treat zero-rate in roaming?

- If there is an offer of special zero-rate services in member state, and customer is allowed to use roaming, the possibility to use zero-rate services in roaming must be granted.
- Otherwise it is a violation of Roaming Regulation

How to treat zero-rate in roaming?

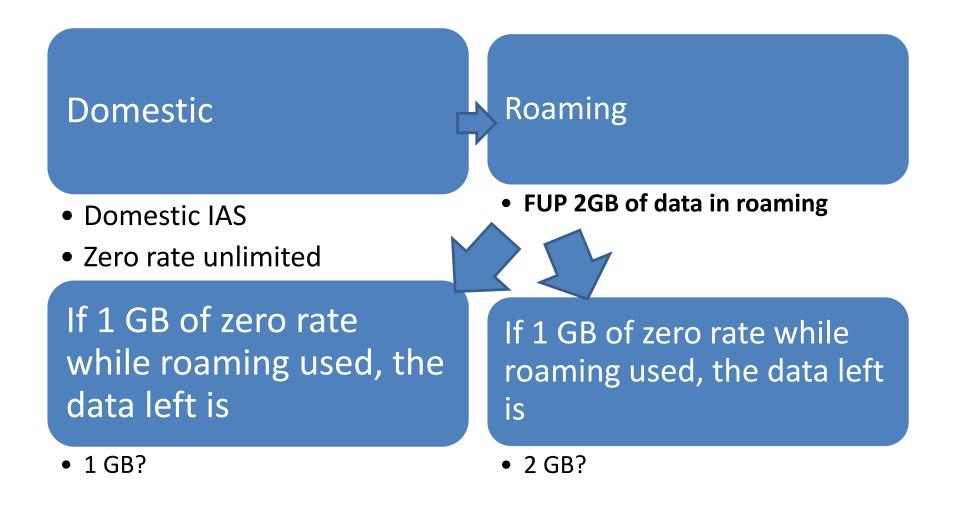
What requirements must be met?

- FUP
- Volume counting

How to treat zero-rate in roaming? FUP

 Payments for zero rate services must be counted when evaluating roaming FUP. So, when calculating FUP for regulated roaming services, all payments for data services (zero rated services and non-zero rated services) should be taken and the sum should be divided by wholesale data cap and multiplied by two.

### How to treat zero-rate in roaming? Example



How to treat zero-rate in roaming? FUP

Volumes for zero rate data service may be deducted from FUP.

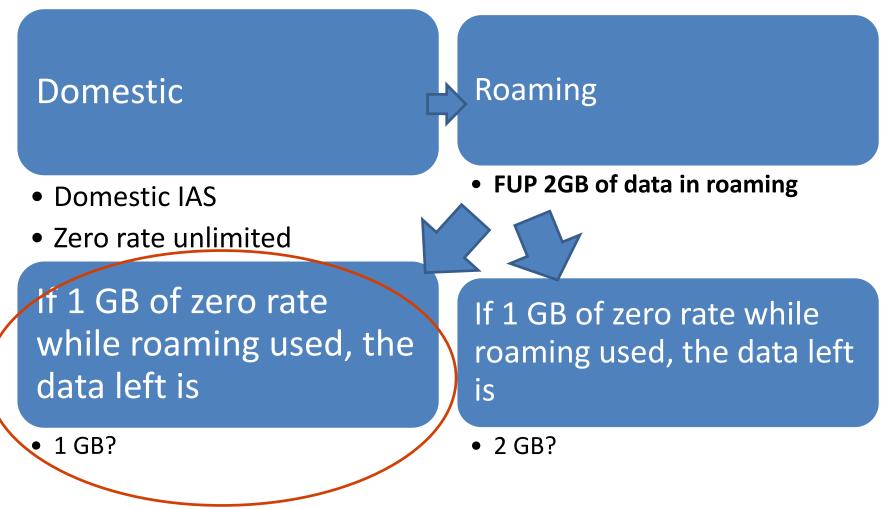
- X Eur for basic data
- Y Eur for zero-rate, if any.
  - In Lithuania there are several offers:
    - » Offers for special data flow with unlimited volume for no charge;
    - » Offers for special data flow with unlimited volume for some charge.

How to treat zero-rate in roaming? Volume

# EC and BEREC position: Zero-rated services may be counted together with normal data services against the FUP data limit while roaming.

- Compatible with FUP
- Is it like at home?

### How to treat zero-rate in roaming? Example



How to treat zero-rate in roaming? FUP

Anacom report:

 In case of offers which include zero-rated applications, traffic with "unlimited" use in the Portuguese territory falls under the concept of open data bundle, in which case a specific fair use policy for roaming applications in the EEA may be applied. How to treat zero-rate in roaming?

## **Roaming EWG** :

- RLAH must be fully applied to zero rated offers
- The charging mechanism while roaming must be the same as at home/for domestic use;
- When using zero-rated services while roaming, the operator is not allowed to deduct zero-rated data volume from the <u>domestic data volume</u> of the basic tariff. The operator is entitled to deduct the roaming service from a FUP.

Walker Percy:

• Small disconnected facts, if you take note of them, have a way of becomming connected.

