
Net neutrality review

Call for evidence

[Cais am dystiolaeth: Adolygiad o niwtraliaeth y we](#) – Welsh overview

CALL FOR EVIDENCE:

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1. Overview

‘Net neutrality’, sometimes referred to as the ‘open internet’, is the principle of ensuring that users of the internet can control what they see and do online – not the internet service provider (ISP) that connects them to the internet.

We have begun a review of how the UK’s net neutrality framework is functioning. This document is a call for evidence and sets out the context, purpose and scope of the review, and the initial evidence we would welcome from stakeholders. It does not include any policy proposals.

Ofcom is responsible for monitoring and ensuring compliance with the net neutrality rules and can issue guidance on complying with the existing rules. This review is intended to inform our work in these areas. Any changes to the rules would be a matter for Government and ultimately Parliament.

Key points

- In 2016, rules aimed at protecting the principle of the ‘open internet’ came into force. They were designed to protect internet users’ right to be free to access and distribute information and content, run applications and services of their choice, and use the terminal equipment of their choice.
- Since the rules were introduced, there have been significant changes in the wider environment. There are new, innovative and evolving technologies emerging in residential and business contexts (e.g. internet of things devices). These are underpinned by catalysts such as the emergence of 5G technology, and the accelerated move to the cloud.
- There are also increasing capacity demands from people and businesses. The internet is essential for keeping people connected so they can work and study from home or on the go, access public and medical services, stay in touch with friends and family, shop online and be entertained. It also increasingly provides the infrastructure that supports both public and private sector enterprises in how they operate, and interact with their staff, customers and other organisations. The Covid-19 pandemic has in many ways accentuated and accelerated these trends.
- Fixed and mobile networks, ISPs, and content and application providers are responding to these changes and to the demands of people and businesses by offering new and innovative services. Content and application providers are investing in bringing new content and functionality into homes and workplaces, whilst network operators are making investments to ensure they can provide the underlying infrastructure to support digital services both now and in the future.
- Given this dynamic context, we want to take a broad look at how the net neutrality framework is functioning. We will consider how it can best serve citizen and consumer interests and promote access and choice, while allowing businesses to innovate and invest in support of a vibrant and dynamic digital sector.
- Through this call for evidence we want to engage with industry and other interested parties. We welcome views from ISPs, platforms, experts, users, and other interested organisations on the functioning of the framework, relevant developments in technology and demand, and any issues and challenges that will support our understanding of the impact of the framework in practice.

Next steps

We invite responses by **2 November 2021**. We expect to publish the initial findings of our review in Spring 2022.

2. Introduction and background

- 2.1 The internet is essential for keeping people connected so they can work and study from home or on the go, access public and medical services, stay in touch with friends and family, shop online and be entertained. It provides access to vital services and solutions through ‘the cloud’ that businesses and the public sector increasingly rely on and delivers significant economic benefits for the UK. The Covid-19 pandemic has further shown just how critical it is for consumers and businesses to be online.
- 2.2 More generally, existing and new technologies are continuing to evolve and develop, with services such as mobile 5G, cloud computing and the internet of things (IoT) offering new benefits to consumers and businesses and changing how we interact online.
- 2.3 Thinking about the next 5-10 years, we are carrying out a review of how the UK’s net neutrality framework is functioning to ensure it continues to best serve citizen and consumer interests and support access and choice, while allowing businesses to innovate and invest in current and new services.
- 2.4 This document sets out the purpose and scope of our net neutrality review and seeks evidence from stakeholders to inform the review.

What is net neutrality?

- 2.5 ‘Net neutrality’, sometimes referred to as the ‘open internet’, is the principle of ensuring that users of the internet can control what they see and do online – not the internet service provider (ISP) that connects them to the internet. Its purpose is to protect the freedom of citizens and consumers to access all lawful internet content equally, without ISPs discriminating against particular services or websites. It is this latter aspect that seeks to ensure innovative products and services over the internet can develop and succeed.

Net neutrality rules

Open Internet Regulation

- 2.6 EU rules aimed at protecting the principle of the open internet (the ‘Open Internet Regulation’) were agreed in 2015 and came into force at the end of April 2016.¹ Often referred to as the ‘net neutrality rules’, they aim to “safeguard equal and non-discriminatory treatment of traffic in the provision of internet access services and related end-users’ rights” and to “guarantee the continued functioning of the internet ecosystem as an engine of innovation”.²

¹ [Regulation \(EU\) 2015/2120](#) of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and retail charges for regulated intra-EU communications and amending Directive 2002/22/EC and Regulation (EU) No 531/2012. The rules were reviewed by the European Commission in 2019 and its findings are in [this report](#).

² Open Internet Regulation, Recital (1).

2.7 The rules protect end users' rights to access and distribute information and content, use and provide applications and services, and use the terminal equipment of their choice via their internet access service.³ End users include residential and business consumers, as well as content and application providers (CAPs).

2.8 ISPs are required to adhere to the following rules:

Open internet access and traffic management

- They should not enter into agreements with end users (e.g. on commercial and technical conditions, and the characteristics of the internet access service such as price, data volumes and speed), or engage in commercial practices, which limit end users' rights to access and distribute the information of their choosing using the equipment of their choice;
- They should treat all traffic equally when providing internet access services, subject to the following;
- They are allowed to use 'reasonable' traffic management measures when certain conditions are met, i.e. that these measures are:
 - based on objectively different quality of service requirements, rather than commercial considerations;
 - transparent, non-discriminatory and proportionate; and
 - not maintained for longer than necessary and do not monitor specific content.
- They should not engage in any other forms of traffic management (e.g. blocking, throttling, altering, restricting, interfering with, degrading, or discriminating between content, applications, services, or categories of them) apart from in very limited cases;⁴

Specialised services

- They may offer non-internet access services, known as 'specialised services', which are optimised for specific content, applications or services under certain conditions, including that:
 - optimisation is necessary in order to meet requirements of a specific level of quality;
 - the network capacity is sufficient to provide these services in addition to any internet access service offered;
 - the services are not offered as a replacement for internet access services; and
 - they are not detrimental to the availability or general quality of internet access services for end users;⁵

³ The rules cover all 'publicly available' fixed and mobile internet access services. They do not apply to wholly private services.

⁴ Exceptions include traffic management to comply with a legal requirement; to preserve network integrity and security; and/or to prevent impending network congestion and manage exceptional or temporary network congestion.

⁵ See Article 3(5). Examples of specialised services may include linear (live) broadcasting IPTV services with specific quality requirements, VoLTE (high-quality voice calling on mobile networks) and real-time health services (e.g. remote surgery).

Transparency

- They must comply with several transparency measures relating to information within customer contracts – e.g. contracts should include details of download / upload speeds, traffic management policies and remedies available to consumers if they experience performance issues with their internet access service.

2.9 The UK left the EU on 31 January 2020, with a transition period until 31 December 2020 (the ‘transition period’). Following the end of this period, the EU rules on net neutrality became part of domestic UK law. A number of small changes were subsequently made to the rules, so as to deal with minor issues arising from the UK’s withdrawal from the EU.⁶ For example, Ofcom is no longer required to take utmost account of the BEREC Guidelines (see paragraphs 2.10 to 2.11 below) or to submit an annual compliance report to the European Commission (although we are still required to publish a report). References to EU laws and national regulatory authorities (NRAs) were also deleted or replaced with references to national laws and Ofcom, respectively.

The BEREC guidelines

- 2.10 The Body of European Regulators for Electronic Communications (BEREC) has published Guidelines on the Implementation of the EU Open Internet Regulation (the ‘BEREC Guidelines’).⁷ NRAs of the EU member states are required to “take utmost account of” the guidelines when implementing the net neutrality rules and assessing compliance in specific cases.
- 2.11 As noted above, following the end of the transition period, Ofcom is no longer required to take utmost account of the BEREC Guidelines. However, we can continue to reference these where we consider this to be appropriate.

Ofcom frameworks for assessing compliance

- 2.12 Ofcom separately published its own approach to assessing compliance with certain areas of the net neutrality rules (the ‘Framework document’).⁸ This outlines the frameworks that we generally apply for assessing ISPs’ zero-rating offers and traffic management measures for compliance with the Open Internet Regulation.⁹

⁶ Pursuant to section 8(1) of the [EU Withdrawal Act 2018](#).

⁷ June 2020, [BEREC Guidelines on the Implementation of the Open Internet Regulation](#). Originally adopted in 2016, the BEREC Guidelines were updated in June 2020 to provide additional clarification to stakeholders and to take account of experiences by NRAs in applying these.

⁸ Ofcom, May 2019, [Ofcom’s approach to assessing compliance with net neutrality rule](#).

⁹ Zero-rating is a commercial practice whereby an ISP applies a price of zero to the data traffic associated with a particular application (e.g. Facebook) or category of applications (e.g. social media). This means that the customer is able to access certain data without that data counting toward their general data allowance. The Framework document also briefly sets out our approach to the prohibition on restrictions on the use of terminal equipment (e.g. tethering).

Ofcom's powers and duties

- 2.13 Ofcom's principal duty is to further the interests of citizens in relation to communications matters and to further the interests of consumers in relevant markets, where appropriate by promoting competition.¹⁰
- 2.14 In doing so, we are required to secure, among other things, the availability throughout the UK of a wide range of electronic communications services.¹¹ Along with other considerations, we must also have regard to the desirability of promoting competition in relevant markets; encouraging investment and innovation in relevant markets; and encouraging the availability and use of high speed data transfer services throughout the UK.¹²
- 2.15 In relation to net neutrality, we are explicitly required to promote the continued availability of non-discriminatory internet access services at levels of quality that reflect advances in technology.¹³
- 2.16 We also play an important role in ensuring that consumers can effectively exercise their rights under the relevant rules and that ISPs comply with these. In particular, we have a duty to "closely monitor and ensure compliance" with the Open Internet Regulation, and we must also publish annual reports with findings from our monitoring.¹⁴
- 2.17 We have carried out a range of monitoring and enforcement activity since the rules came into effect, particularly in relation to ISPs' traffic management measures, zero-rated offers and terminal equipment restrictions. Our Framework document summarises a number of cases that we have assessed.¹⁵
- 2.18 As the net neutrality rules are set out in legislation, we cannot make changes to these. Any proposed changes would be a matter for Government and ultimately Parliament.
- 2.19 However, we can (a) issue UK guidance on complying with the *existing* rules, and (b) update our existing Framework document for assessing ISPs' compliance.
- 2.20 We will need to be consistent with relevant international agreements between the UK and other countries. For example, the UK's recent trade agreement with the EU includes specific principles about internet users being able to:
- i. access and distribute information and content, use and provide applications and services of their choice, subject to non-discriminatory, reasonable, transparent and proportionate network management; and
 - ii. use devices of their choice, as long as these do not harm the security of other devices, the network or services provided over the network.

¹⁰ Section 3(1) of the Communications Act 2003 (the 'Act').

¹¹ Section 3(2) of the Act.

¹² Section 3(4) of the Act.

¹³ Article 5(1), the Open Internet Regulation.

¹⁴ Article 5(1), the Open Internet Regulation. These reports can be found on Ofcom's website [here](#).

¹⁵ See Sections 3 and 5 of the Framework document.

2.21 The agreement also makes clear that the UK and the EU may adopt measures with the aim of protecting public safety with regards to users online.¹⁶

Links to existing Ofcom work areas

2.22 This review will need to take account of, and coordinate with, other ongoing Ofcom work in areas such as mobile strategy, the future of the internet, digital markets, online harms, migration to voice over IP and the future of public service media.

¹⁶ Article 178 of the [Trade and Cooperation Agreement](#) between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part. More high-level provisions are included in several other UK trade agreements, including with Japan and the EEA/EFTA states (Iceland, Liechtenstein and Norway).

3. Purpose and scope of the review

- 3.1 In this section, we outline the purpose and scope of our net neutrality review. We also set out next steps and questions we are seeking stakeholder views and evidence on.

Purpose of the review

- 3.2 Since the net neutrality rules were agreed in 2015, there have been significant changes in the wider environment that have also signalled to us that it might be an appropriate time for us to review how the net neutrality framework is functioning.¹⁷
- 3.3 People and businesses have an increasing demand for capacity and growing quality of service expectations. The internet is essential for keeping people connected so they can work and study from home or on the go, access public and medical services, stay in touch with friends and family, shop online and be entertained.¹⁸ It also provides the infrastructure that supports both public and private sector enterprises in how they operate, and interact with their staff, customers and other organisations. Access to such vital services and solutions through ‘the Cloud’ is now a fundamental part of our economy. The Covid-19 pandemic has in many ways accentuated and accelerated these trends, and has resulted in material and likely long lasting changes. We note that over time, these changes could lead to the emergence of further new user demands.
- 3.4 There are new and evolving technologies developing across a range of sectors that touch the internet. For instance, there is a growing range of IoT services, from internet connected doorbells to smart machinery in industrial or agricultural contexts. In addition, gaming and augmented reality/virtual reality experiences are also evolving in the home, workplace and on the move, with new and interesting ways to interact with others and the environment.
- 3.5 There are also important catalysts for the development of these new technologies, which offer the possibility of new and innovative services in both residential and business contexts.¹⁹ Linked to this, is the growth in use of delay and congestion sensitive applications, with over the top (‘OTT’) services that provide a mixture of both video on demand (‘VOD’) and live content being important in this context.²⁰ In addition, new 5G mobile services offer faster speeds, greater capacity, and lower latency than legacy

¹⁷ We further note that it is also legitimate and good practice for us to review regulation periodically.

¹⁸ Ofcom research has shown that estimated adult use of the internet has increased from approximately 20.5hrs/week in 2014 to over 25hrs in 2019. https://www.ofcom.org.uk/_data/assets/pdf_file/0033/196458/adults-media-use-and-attitudes-2020-full-chart-pack.pdf

¹⁹ See trends outlined in our Connected Nations (2020) publication, where we note that users are upgrading their internet packages (p.26-7) and mobile traffic was up 40% between 2019 and 2020 (p.47). See here, https://www.ofcom.org.uk/_data/assets/pdf_file/0024/209373/connected-nations-2020.pdf.

²⁰ VOD services includes TV catch-up and online film services, such as Netflix or Disney+. We note that VOD reach has increased from over 25% in 2015 to over 64% in 2020. As an example, Netflix consumption has increased from an average of 50 minutes/day/household in January 2017 to 83 minutes/day/household in January 2020. We further note that some OTT providers, such as Amazon Video and NOW also offer live streaming of sports and other content. Please see our publication, Beyond Broadcast for further detail, <https://ofcomuk.sharepoint.com/teams/newshub/SitePages/Beyond-Broadcast-2021--A-record-year-for-video-streaming-services.aspx>.

technologies, and the accelerated move of many businesses to the cloud (both edge and core services), also offers a platform for new and important applications and services.²¹

- 3.6 To meet these new demands, fixed networks, mobile networks, and CAPs are offering new and innovative services. Content and application providers are investing in bringing new content and functionality into homes and workplaces, whilst network operators are deploying new network equipment, changing their network configurations, making further investments in their infrastructure, and developing business models to fund these changes.
- 3.7 Innovation is integral to promoting a vibrant and dynamic digital sector. Given developments to date and possible changes in the future, it is important that the net neutrality framework continues to best serve citizen and consumer interests and promote access and choice, while also supporting innovation and investment in the digital space. With this in mind, we think it is an appropriate time for us to consider how the net neutrality framework is functioning; both in terms of today and how it may work over the coming decade.
- 3.8 We note that there has been significant stakeholder interest in net neutrality. Some have raised concerns about potential impacts on innovation and suggested possible changes that they think should be considered, including in response to various Ofcom consultations.²² We think it is important to carefully consider these points, and develop a holistic view of the issues, based on evidence from a broad range of stakeholders and our own analysis.

Scope of the review

- 3.9 Our aim is to undertake a broad review of how the framework is functioning. We plan to consider:
- i) What is working well and what is not working well with the current framework; and
 - ii) Whether there would be benefit in providing updated guidance on our interpretation and approach to assessing compliance with and enforcement of the framework.
- 3.10 We will undertake a broad spectrum of work to inform our review. A few of the key areas we intend to explore are:
- i) The **end user experience and outcomes**, in particular consumers, businesses and CAPs' experiences of the current framework, its impact on them and possible future use cases and demands. We will consider consumer complaints (e.g. raised

²¹ 'Edge computing' concepts can apply to several scenarios. In the Enterprise market, it is a distributed computing framework that brings enterprise applications closer to data sources such as IoT devices or local edge servers. This proximity to data at its source can allow faster insights, improved response times, and better bandwidth availability. In the Telecommunications market, it refers to the distribution of software-based network functions and applications or content nearer to subscribers or devices.

²² For example, in response to our draft Plan of Work 2021-22, Emergency Video Relay consultations, and Future of Public Service Media consultation.

through our Customer Contact Team and the Alternative Dispute Resolution schemes) and may seek to undertake new market research.

- ii) The **policy and economic context** for our review, including what key principles and objectives are important for us to consider, including protecting citizens' and consumers' rights, freedom of expression, customer choice, impacts on competition, efficiency, innovation and investment and what is the appropriate balance between them. As part of this, we will use analytical frameworks and quantitative and qualitative evidence to help us reach policy conclusions.
- iii) Relevant **value chains, and impact on innovation and investment**. We will seek to understand the value chains and market structures affected by the net neutrality framework, and potential impacts on stakeholders' financial positions and investment.
- iv) **Technological developments**. Since the rules were established, there have been significant technological developments; and development continues at a rapid pace. It is debatable whether some of these developments help to address or amplify network issues or challenges regarding net neutrality. We will seek to better understand these developments and use cases²³, whether they either create or solve particular issues, and whether the current framework is sufficiently flexible to address them. The technical developments we intend to look at will include, consumer and industrial IoT, trends in usage of Virtual Private Networks and encryption, augmented/virtual reality, cloud computing, and 5G services.²⁴

3.11 As we undertake this work, there will be a number of topic areas and issues we will seek to look into. The list below is not intended to be exhaustive but provides an indication of areas of interest. We will consider:

- i) **Specialised services**, including whether there is scope to provide greater clarity and certainty on what types of service would meet the criteria specified in the rules and existing guidance, and where particular approaches taken by ISPs may raise concerns.²⁵ We may also consider whether it would be beneficial for us to provide further guidance in this area. For example, on how we might expect to assess approaches to optimisation and quality of service parameters.
- ii) Effective **traffic management**. While traffic management can support innovation, and is important to maintain open access to content, services and applications over

²³ We note that there are many different use cases, with a variety of different ecosystems, with some touching the internet and others not. Many are enabled by the digitisation of services (IP based) along with the evolution from Physical Network Functions to Virtual Network Functions based on cloud-native software principles, where the cloud could be 'public cloud' (reached via the internet) or 'private cloud', which could be located within an ISP's physical network estate. 5G standards and implementation methodologies directly make use of these principles to enable further service innovation and differentiation and can be combined with network slicing, automation, and data analytics. Furthermore, evolution to software/cloud across different technology domains (fixed, mobile, Wi-Fi, etc) presents a number of convergence opportunities that allow further innovation and/or efficiencies.

²⁴ We note that these are just a few of the technical developments we are interested in, and there are many others that we will seek to better understand.

²⁵ Paragraph 2.8 sets out the existing rules.

the internet, we will also consider its impact on network reliability, efficiency and quality of experience. For example, we may consider whether it would be appropriate to provide explicit exemptions for certain services such as emergency communications,²⁶ other services which may support public safety in certain contexts, or where it supports consumer choice (e.g. where an end user might have a preference for streaming video content over a less time sensitive software update).²⁷

- iii) The merits of the current approach to **zero-rating**. We note that zero-rated services can be beneficial to consumers and can promote competition. However, in certain contexts they also have the potential to harm competition, innovation and reduce consumer choice. We will consider whether the current case-by-case assessment of zero-rated services remains appropriate. We will also seek to learn lessons from the Covid-19 pandemic, where certain health and educational materials were temporarily made available on a zero-rated basis.
- iv) End users' rights to use the **terminal equipment of their choice**, including the extent to which the current rules do not distinguish between mobile and fixed internet access services.
- v) What **regulatory models** may be appropriate, including consideration of the merits of incorporating certain rules into the Ofcom General Conditions, and whether, in certain circumstances, industry codes of practice may be viable.²⁸
- vi) The merits of publishing updated **guidance** on our interpretation and approach to assessing compliance with and enforcement of the framework to provide more clarity and certainty for stakeholders when considering whether current or future services or products are likely to be consistent with the rules.
- vii) Whether Ofcom's **annual report** monitoring compliance with net neutrality rules could be improved. Similarly, whether there may be more effective ways to communicate the information to stakeholders.

3.12 Although our intention is for the review to be broad in scope, there are a few areas we do not intend to look at.

- i) **Personal data requirements:** The net neutrality framework includes requirements on assessing whether the processing of personal data complies with broader data protection law. The ICO is generally responsible for enforcing personal data and privacy related requirements in the UK. We do not propose to consider changes to the underlying personal data and/or privacy requirements.

²⁶ For instance, where a user's data allowance has been fully consumed, and they need to make an emergency call. Paragraph 6.38 of Ofcom's [Emergency Video Relay Statement](#) (June 2021) noted that where ISPs do make emergency video relay over the internet available when a customer's data allowance has been reached, this is unlikely to be something Ofcom would object to on policy grounds.

²⁷ We note that there are likely to be challenges in identifying and categorising different types of traffic. We will look to explore these in more depth as the review progresses.

²⁸ From 17 June 2022, [General Condition C1](#) will reflect the net neutrality rules contract requirements.

- ii) **Contract information requirements:** The rules require ISPs to include information on traffic management and other measures in their contracts with end-users and to publish this information on their website. As part of the implementation of the European Electronic Communications Code, ISPs will need to include a summary of this information in the new contract summary they will be required to provide to customers before they agree to a new contract from 17 June 2022.²⁹ We do not consider it appropriate to consider further changes to the net neutrality contract requirements before the new contract summary rules come into force.
- iii) **Manufacturer or operating system restrictions:** We do not intend to look at ‘device neutrality’ in the context of any restrictions on internet access determined by the device manufacturers and/or operating systems.³⁰

Timescales and approach

- 3.13 We intend to engage with a wide range of interested stakeholders to gather evidence and views, in order to develop a holistic view of the challenges and opportunities, and how these could affect people and businesses. Our approach will depend on the evidence and our analysis.
- 3.14 We invite responses by **2 November 2021**. We expect to publish the initial findings in Spring 2022.

Questions for stakeholders

- 3.15 We invite responses from all stakeholders, including citizens and consumers and organisations that represent their interests, small and larger business consumers, CAPs and ISPs as well as from other stakeholders from across the internet value chain.
- 3.16 We would welcome views, underlying rationale and **supporting evidence** on the following questions in particular:

²⁹ Ofcom, October 2021. [Fair treatment and easier switching for broadband and mobile customers: Implementation of the new European Electronic Communications Code](#). See General Condition C1.5 [here](#).

³⁰ The CMA has launched a market study into Apple’s and Google’s mobile ecosystem including consideration of issues relating to their operating systems, app stores, and browsers. See [here](#).

Question 1: Functioning of the net neutrality framework

(a) Which aspects of the current net neutrality framework do you consider work well and should be maintained? Please provide details including any supporting evidence and analysis.

(b) Which aspects, if any, of the current net neutrality framework do you consider work less well and what impact has this had? What, if any, steps do you think could be taken to address this and what impact could this have? Please provide details including the rule or guidance your response relates to and any supporting evidence or analysis.

Question 2: Use cases, technologies, and other market developments

(a) What, if any, specific current or future use cases, technologies or other market developments have raised, or may raise, particular concerns or issues under the net neutrality framework?

(b) What, if any, steps do you think could be taken to address these concerns or issues and what impact could this have? Please provide details of the use case, technology or market development and the rule or guidance your response relates to, as well as any supporting evidence and analysis.

Question 3: Value chain

Are there particular business models or aspects of the internet or other value chains that you think we should consider as part of our review? Please explain why, providing details including any supporting evidence or analysis.

Question 4: International cases studies

Are there any international case studies or approaches to net neutrality that you think we could usefully consider? Please include details of any analysis or assessments.

Question 5: Guidance and approach to compliance and enforcement

Are there specific challenges with the existing guidance that we should be aware of (e.g. ambiguity, gaps)? Assuming the rules stay broadly the same, which areas could Ofcom usefully provide additional clarity or guidance on? Please provide details.

Question 6: Annual report

Do you find Ofcom's annual monitoring report useful or are there any changes you think we could usefully make either to the content or how we communicate this?

Question 7: Other

Is there any other evidence or analysis that you are aware of and/or could provide to aid our review?

A1. Responding to this consultation

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 2 November 2021.
- A1.2 You can [download a response form](#) from the Ofcom website. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to netneutrality2021@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A1.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
 - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.7 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.8 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 4. It would also help if you could explain why you hold your views, including any supporting evidence.
- A1.9 If you want to discuss the issues and questions raised in this consultation, please contact Adam Lacey on 020 7981 3856, or by email to adam.lacey@ofcom.org.uk.

Confidentiality

- A1.10 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.

- A1.11 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.12 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.13 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

Next steps

- A1.14 The deadline for responses to this consultation is 2 November 2021. We expect to publish the initial findings of our review in Spring 2022.
- A1.15 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.17 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.18 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A2. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A3. Consultation coversheet

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A4. Call for evidence questions

Question 1: Functioning of the net neutrality framework

(a) Which aspects of the current net neutrality framework do you consider work well and should be maintained? Please provide details including any supporting evidence and analysis.

(b) Which aspects, if any, of the current net neutrality framework do you consider work less well and what impact has this had? What, if any, steps do you think could be taken to address this and what impact could this have? Please provide details including the rule or guidance your response relates to and any supporting evidence or analysis.

Question 2: Use cases, technologies, and other market developments

(a) What, if any, specific current or future use cases, technologies or other market developments have raised, or may raise, particular concerns or issues under the net neutrality framework?

(b) What, if any, steps do you think could be taken to address these concerns or issues and what impact could this have? Please provide details of the use case, technology or market development and the rule or guidance your response relates to, as well as any supporting evidence and analysis.

Question 3: Value chain

Are there particular business models or aspects of the internet or other value chains that you think we should consider as part of our review? Please explain why, providing details including any supporting evidence or analysis.

Question 4: International cases studies

Are there any international case studies or approaches to net neutrality that you think we could usefully consider? Please include details of any analysis or assessments.

Question 5: Guidance and approach to compliance and enforcement

Are there specific challenges with the existing guidance that we should be aware of (e.g. ambiguity, gaps)? Assuming the rules stay broadly the same, which areas could Ofcom usefully provide additional clarity or guidance on? Please provide details.

Question 6: Annual report

Do you find Ofcom's annual monitoring report useful or are there any changes you think we could usefully make either to the content or how we communicate this?

Question 7: Other

Is there any other evidence or analysis that you are aware of and/or could provide to aid our review?

Please provide evidence to support your responses.