Your response

Introduction:

Meta welcomes Ofcom's review of its prior guidance on net neutrality and appreciates the opportunity to provide further feedback.[1] Meta is a strong supporter of net neutrality and believes it is critical to maintaining a dynamic internet that fosters innovation and is open for everyone. While technologies and services have evolved over time and will continue to do so, net neutrality principles continue to be important on a forward-looking basis.

Meta supports core net neutrality principles embodied in the Open Internet Access Regulation 2015 (Regulation),[2] including:

1. **No Blocking or Throttling**: Internet Service Providers (ISPs) should not be permitted to block, slow, or degrade people's ability to use, send, receive, or offer any lawful content, application, or service of their choice on the internet. ISPs also should not be permitted to limit the ability of consumers to use a non-harmful device of their choice to access the internet.

2. **No Paid Prioritisation or "Fast Lanes"**: ISPs should not be permitted to enter into arrangements to deliver specific content on the internet at faster speeds or require content providers to pay in order to ensure a certain quality of service to end-users on the internet.

3. **Reasonable Traffic Management**: Any network management practices should be based on objective technical and non-discriminatory considerations, and should be tailored to achieving a legitimate network management purpose. Any such practices should not result in preferential treatment of the ISP's affiliated content or services.

4. **Transparency**: ISPs should be transparent about their network practices (including their approach to any traffic management) and the speed of the traffic that flows over their networks.

Specialised services. Meta believes it is critical to maintain a dynamic, open, "best efforts" internet[3] that continues to enable consumers to access the existing services of their choice, as well as innovative, new services going forward. To this end, we encourage Ofcom to exercise caution with respect to providing any greater flexibility for ISPs to offer specialised services separate from the open internet at this stage.

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[1] *See Meta Response to 2021 Call for Evidence, available at*, https://www.ofcom.org.uk/__data/assets/pdf_file/0032/229559/meta.pdf.

[2] *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*.

[3] We define this term in the same way as BEREC: "[B]est effort internet [means] the equal treatment of data traffic being transmitted over the internet, i.e. that the 'best efforts' are made to carry data, no matter what it contains, which application transmits the data (application-agnosticism), where it comes from or where it goes." *See* BEREC, All You Need to Know About the Open Internet Rules in the EU, *available at*: https://www.berec.europa.eu/en/all-you-need-to-know-about-the-open-internet-rules-in-the-eu.

Meta so far has not seen evidence that specialised services are needed to support any particular new use case for advanced network services, including future metaverse services. Until evidence transparently demonstrates that a specific service objectively cannot function or be supported absent a specialised service, the presumption should be that services can and should be supported by the "best efforts" internet, consistent with net neutrality principles.

Recognising that specific use cases could emerge in the future that are not yet contemplated – similar to previous niche examples such as autonomous-driving cars or telemedicine procedures – we encourage Ofcom to assess any such proposals against strong protections on a case-by-case basis. As discussed in more detail below, maintaining strong protections supports innovation while ensuring any proposed specialised service offerings do not undermine maintaining a dynamic, open internet for consumers.

No evidence to warrant a charging regime. Consistent with its longstanding support for net neutrality principles, Meta appreciates Ofcom's views and agrees that a "sending-party-pays" charging regime is not warranted. As a wide range of academics, civil society organisations, and other key stakeholders such as the Body of European Regulators for Electronic Communications (BEREC) have emphasised, such proposals are inconsistent with net neutrality principles, would jeopardise the open internet ecosystem, and would negatively affect consumers.[4] Recent advocacy by some ISPs that content application providers (CAPs) should be required to pay in some form for ISPs' network costs is unsupported by the evidence.

As reflected in the recent BEREC report in this area, BEREC concluded there is "no evidence that such mechanism [direct compensation from CAPs to ISPs] is justified given the current state of the market. BEREC believes that the ETNO members' proposal could present various risks for the internet ecosystem".[5] Furthermore, BEREC points out that ISPs and CAPs have a symbiotic relationship.[6] Traffic is requested and therefore "caused" by ISPs' customers who go online to access the content made available by CAPs. This allows ISPs to monetise internet access, driving their revenue and business model and incentivising network investment to improve their customers' experience. ISPs should not be

[4] *See, e.g.*, Letter from Epicenterworks.com et al. to Commissioner Vestager and Commissioner Breton, June 8, 2022, *available at* https://epicenter.works/sites/default/files/2022_06-nn-open_letter_cso_0.pdf; Brian Williamson, Communications Chambers, An internet Traffic Tax Would Harm Europe's Digital Transformation, July 2022, *available at* http://static1.1.sqspcdn.com/static/f/1321365/28531995/1657135490797/Internet+Traffic+Tax+1.pdf?token=1pRRtDF8tEgl2nHIcq0pGupMfns%3D; ACT, TV & VoD Statement on Network Fees, July 8, 2022, *available at* https://www.acte.be/publication/tv-vod-statement-on-network-fees/; Barbara van Schewick, EU's Top Telecom Regulator: Big Telecoms' Proposal to Force Websites to Pay Them Puts the Internet at Risk, Nov. 23, 2022, *available at* *https://cyberlaw.stanford.edu/blog/2022/11/eus-top-telecom-regulator-big-telecoms-proposal-force-websites-pay-them-puts-internet*.

[5] *BEREC preliminary assessment of the underlying assumptions of payments from large CAPs to ISPs*, BoR (22) 137 at 14, *available at* https://www.berec.europa.eu/system/files/2022-10/BEREC%20BoR%20%2822%29%20137%20BEREC_preliminary-assessment-payments-CAPs-to-ISPs_0.pdf.

[6] *See id.* at 10-11.

permitted to discriminate against certain CAPs by picking and choosing which CAPs have to pay them a toll for their customers to be able to access the content they provide; ISP customers are already paying ISPs for internet access, which can reasonably be expected to include accessing the full range of content available on the internet.

Development of innovative new services, including future metaverse services, does not change this. For the foreseeable future, immersive services will evolve primarily on fixed networks before gradually developing further use cases for mobile over time. There is no clear evidence that development of the metaverse will require ISPs to make significant network investments – fixed or wireless – beyond the investments that ISPs would already make to their networks going forward in order to meet their customer demand. The internet has never remained stagnant and will continue to evolve — as it has from text to photos to videos, for example — to support the demand of ISPs' customers for innovative services over time. As Ofcom emphasises, "the evidence does not appear to suggest there are significant concerns with future investment overall…" at this time.[7]

Charging proposals also overlook the significant investments made by many CAPs. Meta and others have invested, and continue to invest, billions of dollars around the world to sustainably build and improve network infrastructure. A report by Analysys Mason found that CAPs invest more than USD 120 billion annually in digital infrastructure, contributing to savings for telecommunications companies of more than $5 billion each year in network and transit fees.[8]

Meta actively invests billions of dollars around the world in partnership with connectivity service providers, equipment manufacturers, and the wider industry building network infrastructure, including subsea cables and terrestrial fibre. Meta also has invested billions in our content delivery network, which includes caching equipment offered for free to ISPs, and our global edge point of presence network. Such investment helps ensure traffic is processed locally, and stored closer to the people accessing it, in thousands of locations in collaboration with ISPs around the world. This reduces costs for ISPs, makes the internet more efficient for everyone, and helps content to be accessed more quickly by ISP customers. In addition, Meta implements measures to deliver our services in a bandwidth-efficient manner while still ensuring a quality user experience for ISPs' customers.[9]

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[7] Ofcom Consultation, [7.42].

[8] Analysis Mason, The Impact of Tech Companies' Network Investment On the Economics of Broadband ISPs, Oct. 2022, *available at* https://www.analysysmason.com/consulting-redirect/reports/internet-content-application-providers-infrastructure-investment-2022/.

[9] *See, e.g.*, Engineering at Meta, How Facebook Encodes Your Videos, Apr. 5, 2021, *available at* https://engineering.fb.com/2021/04/05/video-engineering/how-facebook-encodes-your-videos/; Engineering at Meta, How We Scale Live Streaming for Millions of Viewers Simultaneously, Oct. 22, 2020, *available at* https://engineering.fb.com/2020/10/22/video-engineering/live-streaming/; Engineering at Meta, AV1 Beats x264 and libvpx-vp9 in Practical Use Case, Apr. 10, 2018, *available at* https://engineering.fb.com/2018/04/10/video-engineering/av1-beats-x264-and-libvpx-vp9-in-practical-use-case/.

In sum, the existing framework, in which ISPs and CAPs have mutual incentives to invest in network architecture and cooperate, works well, is consistent with net neutrality principles, promotes competition at the different layers of the internet ecosystem, and should be maintained.

Zero-rating

Question	Your response
Question 1: Do you agree with our assessment of zero-rating offers and our proposed approach?	Meta agrees with Ofcom's assessment that zero-rating offers are largely beneficial to consumers and that there may only be concerns in "limited circumstances".[10] As discussed in Meta's previous comments, zero-rating can provide significant consumer and connectivity benefits, including: ● Supporting more consistent connectivity: Even among consumers who are already online, a segment often remains under-connected and not able to afford data consistently all the time (*e.g.*, someone purchasing pre-paid data packs while living paycheck to paycheck). Zero-rating offers can help under-connected consumers' data balance last longer so that they can stay online more consistently. Additionally, rather than dropping off the internet completely when they run out of data (or have not yet purchased data), zero-rating offers can help keep consumers connected more consistently until they are able to purchase data again.[11]

[10] Ofcom Consultation, [5.46].

[11] *See e.g.*, "Nesta Data Poverty Report for Scotland and Wales" (April 2021) (finding that more than 10% of adults in Scotland and Wales with monthly mobile contracts regularly run out of data before the end of each month), available at: https://media.nesta.org.uk/documents/01-FS_NEST_DPENG_Book_Ho3AqpW.pdf; *see also generally* "New Survey Explores Key Benefits of Zero-Rating" (Feb. 2021) (finding in other regions that key benefits of zero-rating include keeping consumers connected when they run out of data between top-ups and helping their data packs last longer), *available at*: https://www.ipsos.com/en-us/new-survey-explores-key-benefits-zero-rating.

	• Providing increased access to health and other resources: As demonstrated during the COVID-19 health crisis, zero-rating offers can also provide consumers with increased access to important online resources such as health and COVID-19 information, education resources, local government information, communications tools, job tools, and resources for small businesses.[12] As further highlighted in a recent Cullen International report, various forms of zero-rating are common around the world and are widely used by consumers.[13] The benefits of zero-rating were particularly highlighted during the COVID-19 pandemic. Given these benefits, we support Ofcom's proposal to continue to provide flexibility for zero-rating offers and to address any concerns with specific offers as needed through *ex post* review on a holistic, case-by-case basis.[14]
Question 2: Do you agree with the criteria we use to define Type One, Type Two and Type Three zero-rating offers and our proposed approach to such offers?	We agree that Type One and Type Two offers are unlikely to cause concerns and should be broadly permissible. For Type Three offers, we agree with Ofcom's approach of permitting such offers subject to review as needed on a holistic, case-by-case basis where no single factor is determinative. As

[12] For example, the COVID-19 Information Center on Meta provided consumers with health information and updates from national health authorities and global organisations; in conjunction with the World Health Organization, the WhatsApp Chatbot provided consumers with updated information on Covid-19; various apps and websites, such as NHS resources, have been zero-rated to provide consumers with important health information or other online resources. *See, e.g.*, https://faq.covid19.nhs.uk/article/KA-01164/en-us; *see also*, Cullen International, *Role of Zero Rating Offers: Review of Selected Countries During the Pandemic* (October 2022) *available at*: https://www.cullen-international.com/dam/jcr:e5843381-9346-42be-aeb7-4914e733d712/Cullen-International_Role-zero-rating-offers-during-pandemic.pdf (Cullen Report).

[13] *See, generally*, Cullen Report.

[14] *See, e.g.*, Ofcom Consultation, [5.47].

	Ofcom notes "even if certain elements of an offer indicate that it could be problematic, it will not automatically be found to be in breach of the Regulation. This is because once we consider the overall effect of the different factors, we may conclude that the offer is unlikely to have a material impact on consumer choice, or that the overall impact is likely to be positive for consumers".[15] This *ex post*, holistic view, which considers consumer outcomes (consistent with the central role of consumer choice under the net neutrality rules), is particularly important to ensure that Ofcom appropriately takes into account the citizen benefits of zero-rating offers, including the ability of lower-income individuals "who are more likely to depend on mobile data, to access relevant content …".[16] Meta urges Ofcom to take a broad view of citizen benefits, particularly in light of the fundamental importance of connectivity to participation in social, economic, and public life.
Question 3: Do you agree with the approach in our guidance in Annex 5 in relation to zero-rating?	Meta supports Ofcom's proposed approach of continuing to provide flexibility for zero-rating while addressing any concerns through a holistic review on a case-by-case basis. We agree that Type One and Type Two Offers are unlikely to raise concerns. For Type Three offers, as noted above, we agree with Ofcom continuing to provide flexibility and continuing to address any particular concerns through holistic review of various factors, such as whether an offer is non-exclusive and how it benefits consumers and connectivity.

[15] Ofcom Consultation, [5.70].
[16] Ofcom Consultation, [5.69].

	With respect to specific factors discussed by Ofcom, Meta highlights the points below as examples of how factors might be considered in different ways based on the details and benefits of a specific offer: ● While short-term offers by their nature are less likely to raise potential concerns, this of itself does not mean that longer-term offers are *per se* more likely to be problematic. Ongoing offers can especially help users to better manage their data consumption so that they can more consistently stay connected and access the wide range of content and sites on the internet – not only zero-rated content. ● Similarly, "data scarcity" is not a clear indicator that a particular offer would cause net neutrality concerns.[17] For users with more limited data allowances, and likely lower-incomes, zero-rated offers may produce significant citizen benefits which are outsized relative to consumers on higher incomes.
Question 4: What are your views on whether zero-rated content should be able to be accessed once a customer's data allowance has been used up?	We agree with Ofcom that enabling users to top-up data and access Type One content and emergency communications (even after they have exhausted data) would benefit consumers. We believe, however, these are not the only circumstances where consumers would benefit from being able to access zero-rated data for some amount of time once their main balance has been exhausted. At a minimum, we recommend that Ofcom expand the list of circumstances in which it is unlikely to consider enforcement a priority for continued access to

[17] Ofcom Consultation, [A5.37].

	zero-rating offers when a consumer does not have data balance for a period of time. Meta continues to believe that it can be beneficial to enable consumers to access various forms of zero-rating programs – particularly when an offer is open to a category of services – for some period of time when they have temporarily exhausted their data balance or have not yet purchased data in the first place. Providing flexibility or some form of "grace period" would help consumers stay connected until they are able to top up with data again. This is especially important for under-connected consumers to maintain more consistent access to important online resources, including communications, financial, educational, health, and other resources.
Please provide any further evidence you have to support your responses.	

Traffic management

Question	Your response
Question 5: Do you agree with our assessment of retail offers with different quality levels and our proposed approach?	We agree with Ofcom that traffic management rules are an important safeguard of the open internet. As stated above, any network management practices should be based on objective, technical, and non-discriminatory considerations, and should be tailored to achieving a legitimate network management purpose. Any such practices should not result in preferential treatment of the ISP's affiliated content or services. Consistent with net neutrality protections and non-discriminatory traffic management, Meta generally agrees with Ofcom that ISPs should be able to sell retail offers to end users with different qualities of service on the "best

	efforts" internet – *e.g.*, speed, latency, jitter, etc – as long as the offers are non-discriminatory toward online content and services and stay consistent with net neutrality protections (*e.g.*, no paid prioritisation). Meta agrees with Ofcom that it is important that ISPs provide sufficient transparency about any offers that provide different levels of quality of service so that consumers can make informed choices. As Ofcom explains, such offers can benefit consumers and help achieve Ofcom's regulatory objectives.[18] Continuing this non-discriminatory approach provides consumer choice while supporting ISPs' ability to invest and encouraging the development of innovative new services that will benefit consumers going forward.
Question 6: Do you agree with the approach in our guidance in Annex 5 in relation to differentiated retail offers, including transparency requirements, improved regulatory monitoring and reporting of retail offers with different quality levels as well as the general quality of the internet access services?	Ofcom's transparency and monitoring requirements are important to ensure that consumers understand and receive the quality of service they are paying for, and that ISPs do not make network management decisions that are at odds with customer expectations. Section 4 of the existing Regulation sets forth straightforward, common-sense requirements to ensure that all of an ISP's customers, including those on packages with a lower quality, can make informed decisions.
Question 7: What are your views on a more permissive approach towards retail offers where different quality levels are content and service specific?	We agree with Ofcom that "[r]etail offers which provide multiple quality of service levels within a single subscription" can be permitted on the "best efforts" internet "if the level of quality of service is independent of the content and services accessed."[19] This type of non-discriminatory approach supports

[18] Ofcom Consultation, [6.34].
[19] Ofcom Consultation, [6.42].

	consumer choice while enabling ISP investment and protecting a dynamic, open internet. Consumers should have the ultimate ability to choose which services best meet their needs.
Question 8: Do you agree with our assessment of how traffic management can be used to address congestion and our proposed approach?	Meta agrees with Ofcom that non-discriminatory traffic management should be permitted to address congestion only where based on objective, technical criteria and not subjective commercial considerations. To this end, Meta considers Ofcom's proposed approach an appropriate way to help ensure traffic management is not used in ways that conflict with or undermine the strict wording or objective of the Regulation.[20]
Question 9: Do you agree with the approach in our guidance in Annex 5 in relation to the use of traffic management to address congestion, including transparency requirements, improved regulatory monitoring and reporting of general network performance metrics, the use of traffic management and the impact on service quality?	The transparency requirements are an important way to help consumers ensure that they are receiving the levels of service for which they have contracted. The regulatory monitoring and reporting requirements will help ensure that ISPs are not overstepping the bounds of network management that are permitted to address congestion. ● Traffic management decisions can be opaque to consumers, CAPs, and the government. ● Without such monitoring and reporting in place, there is risk that ISPs could take measures not in accordance with the Regulation, and a possibility that potentially problematic actions would never be discovered.
Question 10: What are your views on a more focused approach to traffic management to address congestion?	In considering any potential changes to the current Regulation in the future, it is important to continue to ensure that any traffic management is implemented transparently on

[20] Ofcom Consultation, [5.52].

	a non-discriminatory basis and based on objective, technical needs rather than subjective commercial considerations. Providing too much flexibility to ISPs for traffic management could raise net neutrality concerns. For example, the ability to target specific types or sources of traffic for congestion purposes could result in discrimination against certain CAPs or interference in consumers' ability to access the online content and services of their choice.
Please provide any further evidence you have to support your responses.	

Specialised services

Question	Your response
Question 11: Do you agree with our assessment of specialised services and our proposed approach?	Meta agrees with Ofcom's view that "the current specialised services framework has worked well to safeguard the open internet".[21] At this stage, Meta has not seen evidence that specialised services are needed to support any particular metaverse service or other advanced network service use case instead of the "best efforts" internet. It is critical that consumers can continue to rely on a dynamic "best efforts" open internet to access existing and future services, and that the "best efforts" internet does not stagnate but continues to evolve, as it has from text to photos to videos to other forms of immersive media, to support the demand of ISPs' customers for innovative services over time. Accordingly, consumer-facing specialised services should only be permitted where

[21] Ofcom Consultation, [8.31].

	evidence demonstrates that a specific service objectively cannot function or be supported over the "best efforts" internet (*e.g.*, previous examples of autonomous-driving cars or telemedicine procedures). Furthermore, CAPs should have no obligation to pay for or use any specialised services in order to reach end users with their services on the open internet. In its general discussion on charging, Ofcom notes key risks related to ISP behaviour.[22] These concerns are equally applicable, and potentially more significant, in respect of specialised services. Meta encourages Ofcom to continue to be alert to these concerns when considering where specialised services may be permissible. To this end, we encourage Ofcom to continue applying the protections included in the Regulation. We have a number of concerns, however, with any proposals to provide greater flexibility at this stage in how these protections should be applied. Recognising that new use cases could emerge in the future, we encourage Ofcom to maintain strong protections and assess any proposals against these protections on a case-by-case basis, consistent with the considerations below.

[22] Ofcom Consultation, [7.59] ("In principle, a more permissive approach on charging, particularly if it created the possibility of blocking, throttling or degradation of services, could lead to risks that ISPs use it in a way that could undermine the open internet and open internet-based innovation. This could be particularly detrimental to smaller CAPs. Under certain charging regimes, ISPs could have incentives to create scarcity of capacity or otherwise limit quality in certain parts of their network if this allows them to generate higher payments from CAPs. As discussed in some economic literature, ISPs may be incentivised to make as many CAPs as possible pay for prioritised traffic, assuming ISPs cannot generate any revenue from CAPs whose traffic is not prioritised. In these circumstances, ISPs may choose to artificially reduce the quality of internet access services for non-prioritised traffic (e.g. limit the relevant network capacity upgrades), if this forces more CAPs to agree to pay ISPs for prioritisation (for example, because the quality of non-prioritised traffic delivery would no longer make certain content usable or attractive to customers).").

	To the extent new specialised services use cases emerge, these offerings should only be permitted if they: **1) <u>Do not have the purpose or effect of evading net neutrality protections that apply to internet access service</u>**. For example, an ISP creating and charging for a prioritised specialised service for content that can and should be supported by the open internet would amount to circumvention of the prohibition on paid prioritisation. **2) <u>Do not provide a functional equivalent of internet access service</u>**. Meta agrees with Ofcom that "[s]pecialised services should not be capable of being used to generally access services or end points across the internet (where the need for optimisation has not been established), as this would suggest the end user is accessing internet content without the equal treatment of traffic rules applying, so that the aims of the Regulation are being circumvented."[23] This is also a key requirement of Article 3(5). **3) <u>Provide services that objectively cannot function or be supported over "best efforts" internet</u>**. As Ofcom notes, Article 3(5) of the Regulation stipulates that optimisation is **necessary** to meet the requirements of any specialised service.[24] At this stage, Meta has not seen evidence that specialised services would be objectively required for any specific future use

[23] Ofcom Consultation, [A5.95].
[24] Ofcom Consultation, [A5.78].

	cases for new, advanced network services, including future metaverse services. It is premature to assume that specialised services will be needed to support future services beyond certain existing niche use cases (*e.g.*, autonomous cars, telemedicine procedures). Until sufficient evidence is shown for any particular future use cases, the presumption should be that specialised services are not needed at this stage and that services should be supported by a dynamic "best efforts" internet. This is consistent with Ofcom's findings to date that the Regulation is working well with respect to specialised services.[25] ISPs should not be permitted to launch specialised services based only on a "reasonable expectation" that prioritisation would be required vs. the "best efforts" internet going forward. ISPs should be required to: ● Demonstrate through transparent/ publicly available disclosures that a specialised service is objectively required to support a particular offering. This showing should be based on objective metrics such as **(1)** current level of service on the "best efforts" internet; **(2)** the specific reason why the offering cannot be technically supported by the quality of service parameters typically provided by the "best efforts" internet, and **(3)** what specific features of the offering could not perform sufficiently absent a specialised service.

[25] Ofcom Consultation, [8.31].

- We encourage Ofcom to ensure a mechanism for review and enforcement, and for stakeholders to raise concerns with any offering.

4) <u>Do not negatively affect the performance of a dynamic "best efforts" internet</u>.

Article 3(5) of the Regulation makes it clear that specialised services cannot be to the detriment of internet access services. Meta believes that detriment in this context should be considered broadly. For example, Meta does not believe it is sufficient for ISPs to ensure that current service quality of "best efforts" internet is not degraded compared to currently contracted service levels. That would not ensure the "best efforts" internet would not stagnate, or "become a dirt road" over time.

Ofcom should continue its monitoring efforts, conduct a regular assessment, and update expected minimum speeds and quality of internet access service to ensure appropriate improvements and investment over time, and to assess any negative impact of any future specialised services on the relative quality of internet access services. If ISPs cannot meet those updated, expected minimum speeds and quality of "best efforts" internet over time, ISPs should be required to limit any specialised services as needed to first meet those standards.

Finally, if any specialised services are permitted going forward, consistent with the protections above, we encourage Ofcom to ensure the following:

- Ofcom's proposals recognise the importance of ensuring that ISPs adopt non-discriminatory practices with respect to the availability of internet

	access services. However, Ofcom's analysis of specialised services and its associated proposals do not currently take such principles into account. Meta strongly encourages Ofcom to update its proposed guidelines such that ISPs are expressly required to offer any specialised service offerings to end users on a non-discriminatory basis with respect to online content and services, and based on consumer choice. Without these requirements, ISPs have the potential to use their position as a gatekeeper with a termination monopoly to discriminate between CAPs or place CAPs at a disadvantage. ● Ofcom should make clear that CAPs cannot be required or otherwise obligated to use or pay for any specialised services in order to have their content or services delivered to end users where it could otherwise be delivered over the "best efforts" internet.
Question 12: Do you agree with the approach in our guidance in Annex 5 in relation to specialised services, including transparency requirements, improved regulatory monitoring and reporting of the need for optimisation of a service, the general performance of internet access services and the impact of specialised services on the quality internet access?	Please see the positions above.
Please provide any further evidence you have to support your responses.	

Scope of the net neutrality rules, terminal equipment and public interest exceptions

Question	Your response
Question 13: Do you agree with our assessment of the terminal equipment rules and our proposed approach?	Meta agrees that "consumers should be able to use the equipment of their choice to access the internet and that ISPs should treat all traffic equally irrespective of the device used to access the internet."[26]
Question 14: Do you agree with our assessment of internet access services provided on aeroplanes, trains, buses and coaches and our proposed approach?	Meta does not have a specific position to add here.
Question 15: Do you agree with our proposed approach to emergency 999 communications services and that we should consider amending the GCs to achieve this?	Meta does not have a specific position to add here.
Question 16: Do you agree that ISPs should be allowed to block scams and fraudulent content and provide in-network parental controls and content filters?	Meta does not have a specific position to add here.
Please provide any further evidence you have to support your responses.	

END

[26] Ofcom Consultation, [9.29].