



telemach

View of Slovenian telecommunication operators on the Net neutrality

Electronic Communications Operators Section (The Chamber of Commerce and Industry of Slovenia)

International Workshop: European views on Net Neutrality

Ljubljana 24. 6. 2016

Net neutrality in Slovenia

- Regulation (should) represent the remedy to reduce market failures and make the future concept sustainable for the growth and further development of the industry in question
- What happened in Slovenia at the end of 2012?
 - ECA with the article 203 (applicable from January 2013)
 - Second EU country with such „solution“
 - Why?
 - Market failures?
 - Inclusive and transparent in-depth public discussion?
 - Impact assessment of such legislation?
 - Nobody could really understand the scope of it, including the relevant stakeholders

Commercial practices (ZR)

- Was there any inconsistency?
- Is the zero rating part of the Article 203?
- The closest paragraph relating to the zero rating was struck out in the Parliament from the ECA prior to its adoption
- 6th paragraph (Article 203 of the ECA)
 - “The Agency may issue a general act for implementation of the provisions of the third, fourth and fifth paragraphs of this Act.” ECA with the article 203 (applicable from January 2013)

Zero rating

- End of 2014 the official supervisory procedure started
- Slovenian Competition Protection Agency sensibly urged caution in zero rating cases
- Decisions forbidding existing zero rating practices were issued by the NRA in 2015
- Litigations could not be avoided

Single and flexible

- TSM/BEREC Guidelines/Slovenian ECA
- Interpretations!
- Past determines the future?
- Telecom SINGLE Market
- We are strongly in favor of predictable, clear, stable and coordinated implementation of the Regulation throughout whole EU, which is the main purpose of the Regulation
 - If the EC would be in favor to have even slight differences, the Net neutrality would/should be regulated with the Directive, which is usually transposed with the recognition of the national circumstances, BUT that was not the case
- In order to have a sustainable growth and further development of the industry in question flexibility must be given to the operators

Thank you!