هيئة الاتصالات وتقنية المعلومات
Communications and Information Technology Commission

Annex A26

Net Neutrality: Questions for Public Consultation

Net Neutrality

Net Neutrality refers to the principle that Internet Service Providers treat all data on the Internet equally, and not discriminate or charge differently by user, content, website, platform, application, type of attached equipment, or method of communication.

Currently, there is ongoing worldwide debate on Net Neutrality, the latest a court case held recently in US against FCC over its decision in 2017 to repeal Net Neutrality laws that were put in place in 2015. Moreover, some countries have applied Net Neutrality rules, such as EU countries and Canada, and previously in the US.

CITC, in line with the above development in the last 4 years, has been observing the Net Neutrality debate, and studying countries that applied Net Neutrality. Based on its review of the different approaches to address net neutrality in KSA, CITC is considering a regulatory approach.

Q1: Do you think CITC should implement Net Neutrality regulations in KSA?
Q2: If CITC implements Net Neutrality, how might these affect the services offered to end-users, service providers, and content providers?
Q3: Will the implementation of Net Neutrality impact anti-competitive behaviors?

One of the possible approaches to regulate the Net Neutrality is through "light-handed regulatory approach". This option advocates a minimal impact set of regulations to implement net neutrality rules or guidelines. An example is the approach adopted by BEREC (Body of European Regulators for Electronic Communications) for EU-wide regulations.
Net Neutrality in this model prevents ISPs from blocking or slowing down of Internet traffic, except where necessary. BEREC identified the exceptions to be limited to: traffic management to comply with a legal order, to ensure network integrity and security, and to manage congestion, provided that equivalent categories of traffic are treated equally.

For example, BEREC's guidelines explain that some types of zero-rating practices ('zero-rating' is when an ISP applies a price of zero to the data traffic associated with a particular application or class of applications) are clearly prohibited – those where all applications are blocked or slowed down once the data cap is reached

except for the zero-rated application(s). The guidelines identified some criteria where the zero-rating cases are permitted based on it. These criteria include:

- whether the practices circumvent the general aims of the Regulation (to "safeguard equal and non-discriminatory treatment of traffic" and to "guarantee the continued functioning of the internet ecosystem as an engine of innovation");
- any effects on end-user rights of consumer and business end-users, e.g. reductions in the range of applications available, incentives for end-users to use certain applications, or whether there is a material reduction in end-user choice;
- the scale of the practice (e.g. the number of end-users subscribing to such an offer) and the extent to which end-users have access to alternative offers and / or other ISPs.

Another example of BEREC's light-handed regulatory approach is traffic management. "equal treatment" is a term referred to traffic that is forwarded on a first-come-first-serve basis. The guidelines allow "reasonable traffic management" which may be used to differentiate between "categories of traffic". BEREC explains "reasonable" to be based on objectively different technical Quality of Service (QoS) requirements of specific categories of traffic.

Q4: What are your views on this "light-handed regulatory approach"?
Q5: Which type of zero-rating practices might be prohibited?
Q6: Which traffic management should be considered "exceptional" beyond the "reasonable traffic management"?

The Terms of Service for Data and Internet Service Providers (ToS) include end-users' rights and consumer protection. It also includes obligations on service providers to clearly state the service being provided, details of the cost, and quality of service.

Q7: Do you it is preferable for CITC to address net neutrality by amending the ToS document to include related Net Neutrality rules?