



Press release

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Bundesnetzagentur ensures net neutrality - certain aspects of "StreamOn" are prohibited

Jochen Homann: "Adjustments in the interest of customers"

The Bundesnetzagentur has today prohibited certain aspects of the "StreamOn" add-on option offered by Telekom Deutschland GmbH (Telekom) with its "MagentaMobil" mobile tariff. The decision ensures that the provisions of the European Regulation on roaming and net neutrality are being complied with.

"Telekom can continue to offer StreamOn. But in the interest of consumers, adjustments have to be made to the arrangement," explained Jochen Homann, Bundesnetzagentur President. "StreamOn must comply with the roam-like-at-home principle and video streaming must be available to customers without any throttling. In the interest of customers, we are ensuring that StreamOn takes account of the requirements of roaming and of net neutrality."

"The obligation of equal treatment is a cornerstone of the European rules on net neutrality," said Homann and added, "The principle of equal treatment has turned the internet into a driver of innovation. Having a diversity of applications and services benefits every consumer. A ban on throttling of video streaming not only ensures the diversity of the internet but also puts providers of video streaming services that rely on higher resolution content on a firmer footing."

With "StreamOn", the data volume consumed is not counted against the customer's data volume allowance if audio or video services are used from so-called content partners. In certain tariffs, however, the data transmission rate is slowed down for video streaming.

Adjustment requirement for roaming

All MagentaMobil tariffs with the "StreamOn" option have to be remodelled such that consumers within the European Union can benefit from the roam-like-at-home principle. The data volume of the "StreamOn" option while roaming in the EU cannot be counted against the volume allowance of the MagentaMobil tariff. The roam-like-at-home principle has to apply to all tariffs that enable roaming in the EU.

Adjustment requirement for video streaming

The Bundesnetzagentur has prohibited the "throttling of video" in the MagentaMobil tariffs "L", "L Plus", "L Premium" and "L Plus Premium" as this breaches the obligation of equal treatment of all data traffic.

Bundesnetzagentur
Tulpenfeld 4
53113 Bonn

bundesnetzagentur.de
twitter.com/bnetza

Press contact person:

Fiete Wulff
Head of Press and Public
Relations

Tel. +49 228 14 - 9921
pressestelle@bnetza.de



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Under "StreamOn" the data transmission rate for video streaming in the MagentaMobil "L" tariff is slowed down to such an extent that videos can only be received in SD quality. According to the Bundesnetzagentur's findings, there is no objective technical reason for such slowing down of the data transmission rate as video services do not need restricting. Conversely, according to the applicable regulations, the performance of an individual network does not provide grounds for restricting the data transmission rate for data-intensive communications.

The Bundesnetzagentur's prohibition does not affect the other MagentaMobil tariffs, including the tariffs for MagentaEins customers, as regards net neutrality.

Amendments to the general terms and conditions for content partners

Telekom also submitted an amended version of the general terms and conditions for content partners in the proceeding and formally declared that these would enter into force on 1 March 2018. Accordingly, from now on, private persons and streaming suppliers that also provide a download function can participate in StreamOn as partners.

The general terms and conditions for content partners do not currently allow for the participation of private content providers or for those providers of content that offer a download function in addition to streaming. However, Telekom has already been handling the acceptance of such content providers other than stated in the wording. Following the amendments to the general terms and conditions for content partners, the requirements of the Bundesnetzagentur for open and non-discriminatory participation in StreamOn have been met.

Procedure

Telekom Deutschland GmbH is requested to make the necessary amendments until the end of March 2018. A penalty payment may be imposed in the event that Telekom does not meet its obligations within the prescribed period. The decision is not yet final.

At the beginning of October the Bundesnetzagentur determined that, pursuant to section 126(1) of the German Telecommunications Act, Telekom Deutschland GmbH had infringed the roaming and net neutrality requirements, and probed Telekom for comments and remedial action.

The Bundesnetzagentur is an authority under the responsibility of the Federal Ministry for Economic Affairs and Energy. Its core tasks include supervising the energy, telecommunications, postal and railway markets.



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As part of its mandate, the Bundesnetzagentur ensures that as many undertakings as possible can use the infrastructure in these sectors so that consumers benefit from competition and favourable prices.

The authority employs over 2,900 people at its headquarters in Bonn and Mainz and its 46 regional offices.