



# Press release

Bonn, 28 April 2022

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## Bundesnetzagentur prohibits zero-rating options "Telekom StreamOn" and "Vodafone Pass"

The Bundesnetzagentur has today prohibited the marketing of the zero-rating options "StreamOn" and "Vodafone Pass" and ordered the termination of existing customer contracts. These offers violate net neutrality provisions, as they do not treat data traffic equally.

*"We're putting a stop to the unequal treatment of data traffic associated with zero-rating options," said Klaus Müller, Bundesnetzagentur President. "We expect the providers will now offer tariffs with higher data volumes or cheaper mobile flat rates, which will benefit consumers."*

### ECJ judgment of September 2021

The European Court of Justice (ECJ) ruled on 2 September 2021 that the zero-rating options "StreamOn" from Deutsche Telekom and "Vodafone Pass" were not compatible with the principle of equal treatment of data traffic. The Court understands the principle of equal treatment as a general obligation to treat traffic equally, meaning that neither technical nor tariff-related unequal treatment of different types of traffic within one tariff is allowed. Zero-rating options treat data traffic unequally by not counting certain services and applications towards the data included in a tariff and thus allowing unlimited use of them, as opposed to all other services and applications.

Bundesnetzagentur  
Tulpenfeld 4  
53113 Bonn

[bundesnetzagentur.de](https://www.bundesnetzagentur.de)  
[twitter.com/bnetza](https://twitter.com/bnetza)

### Press contact person

Fiete Wulff  
Head of Press and Public  
Relations

Tel. +49 228 14 – 9921  
[pressestelle@bnetza.de](mailto:pressestelle@bnetza.de)



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### Implementation deadlines

The Bundesnetzagentur has ordered that new marketing of "StreamOn" and "Vodafone Pass" must cease by 1 July 2022. The two zero-rating options are not to be bookable via any sales channel after that time. The providers have until the end of March 2023 to end the zero-rating options for existing customers. As there is a large number of affected customers, the implementation period is necessary to enable a consumer-friendly transition to other tariffs.

### Positive developments on the mobile market

The Bundesnetzagentur anticipates that the overall effect on the German mobile market brought about by the end of zero-rating options will be positive. The trend towards tariffs with higher data volumes and cheaper mobile flat rates is likely to accelerate. Flat rates have been widely used for fixed networks for a long time, but this is not yet the case for mobile communications.

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The Bundesnetzagentur is a higher federal authority under the responsibility of the Federal Ministry for Economic Affairs and Climate Action and the Federal Ministry for Digital and Transport. It is the regulatory authority responsible for maintaining and promoting competition in the electricity, gas, telecommunications, postal and railway network markets. The Bundesnetzagentur ensures that as many undertakings as possible can use the infrastructure in these sectors, enabling consumers to benefit from fair competition and favourable prices. It has nearly 3,000 employees nationwide.