



Comments on the BEREC Draft Report on Cross-Border Issues under Art 28 USD

by VON Europe

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The Voice on the Net Coalition Europe ('VON') welcomes the opportunity to comment on the Draft BEREC Report on Cross-Border Issues under Art. 28 USD (hereafter 'the Report').

As indicated in our comments to the BEREC Consultation on its Work Programme for 2011, VON Europe supports BEREC's shift of focus in light of Article 28 of the Universal Service Directive (USD) regarding the access to numbers and services from looking into fraud and misuse towards the accessibility of numbers by end-users. We regret that BEREC considered it was unable to take onboard our suggestion to remove the link between numbers and locations, even though BEREC "*sees that there may be advantages in removing this link*" but adds that "*the directives do not provide for removing this link, which means that this is not a task for BEREC*"¹. We would simply add that the Directives do not specifically provide either for the need to link numbers and locations, so BEREC is certainly not limited in looking into this matter, even though Art 28 USD may not be the provision it uses to justify such a work stream.

As pointed out in our response to the WP 2011 Consultation, Article 10.4 of the Revised Framework Directive (2009/140/EC) does stipulate that:

"Member States shall support the harmonisation of specific numbers or numbering ranges within the Community where it promotes both the functioning of the internal market and the development of pan-European services. The Commission may take appropriate technical implementing measures on this matter."

BEREC could maybe share its views in this matter by contributing to the European Commission's consultation on "The Future Harmonisation of numbering resources for the provision of business services" due end of February 2011.

When looking at the Report of BEREC, VON Europe wonders if the transposition of Art 28 USD and the need to coordinate NRA action at a cross-border level should not be seen by BEREC and its members as giving them an opportunity to collaborate not only for cross-border fraud purposes but also to enable cross-border services and numbers. VON notes for example that in different sections of the report, NRAs point out that they may need additional powers to be able to mandate operators to block numbers. VON considers that such powers should also cover the possibility to mandate operators to **open** numbers on their networks, especially mobile operators that tend to run their own 'private' numbering plans notably when looking at shortcodes and non-geographic numbers.

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¹ BOR (10) 43, Berec Report on Consultation of the Work Programme 2011, http://www.erg.eu.int/doc/berec/bor_10_43_1b.pdf, p. 9.



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We thank you in advance for taking consideration of these views. Feel free to contact Caroline De Cock, Executive Director VON Europe, by phone (+ 32 (0)474 840515) or email (cdc@voneurope.eu) should you need further information.

About VON Coalition Europe

The Voice on the Net (VON) Coalition Europe was launched in December 2007 by leading Internet communications and technology companies, on the cutting edge – iBasis, Google, Microsoft, Skype and Voxbone – to create an authoritative voice for the Internet-enabled communications industry.

The VON Coalition Europe notably focuses on educating and informing policymakers in the European Union in order to promote responsible government policies that enable innovation and the many benefits that Internet voice innovations can deliver.