

Comments on the ERG Work Programme for 2009

By VON Europe

1. Preliminary Remarks

The Voice on the Net Coalition Europe ("VON") welcomes the opportunity to comment on the Draft ERG Work Programme for 2008 (hereafter "the Work Programme").

VON can only agree with the ERG's opening statement that 2009 will be a year of transition and the fact that the switch to NGN/NGA will play a key role in how the future electronic communications landscape is shaped.

VON however regrets the lack of attention given by the ERG to VoIP issues, which are only hinted at in the framework of fixed-mobile convergence (item 2.2.2) and in relation to consumer protection and enforcement by NRAs in case of cross-border VoIP services. VON believes that many services using the VoIP technology or an equivalent bring great innovations to the market and benefits to consumers.

2. Specific Comments on the Listed Deliverables

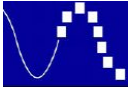
VON would like to add the following specific comments to the Key issues and corresponding deliverables identified by the ERG:

FRAMEWORK REVIEW

VON is specifically concerned with the ERG's input into the ongoing review of the telecoms package, especially as it relates to the general legislative proposals (item 1.1) and the new content provisions (item 1.3). VON considers that the ERG's input in this process would benefit from more transparency and dialogue with industry. Certainly setting in place some channels of discussion between the ERG and the trade associations representing the eCommunications industry seems a better way to ensure that the instruments that stem out of the telecoms review enable the pursuit of a competitive and innovative market.

RESPONDING TO EMERGING CHALLENGES IN THE MARKET

VON has some reservations in how this issue is presented in this paper. After all, the challenges presented by NGN are not extremely dissimilar to those presented by the "old" copper networks. VON would rather encourage the ERG to concentrate on



enabling innovation in the market, as it actually states in its closing paragraph of the “Background” section.

As regards specifically the deliverables under this issue, VON would like to make the following suggestions:

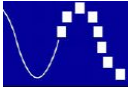
- Item 2.1 – NGN and item 2.2 Convergence: VON believes that it is increasingly difficult to draw a line between the debate on the switch of infrastructures from copper to next generation lines and the debate on the services that run over that infrastructure. By splitting work items too much, the ERG runs the risk of looking at these issues in separate silos, when the switch to an IP-packet model actually blurs the frontiers even more than before. VON would encourage the ERG to keep in mind the fact that the adoption and usage of NGN/NGA will to a large extent depend on the variety of services and applications users can access on these platforms when looking at charging mechanisms and access issues. VON also considers more emphasis needs to be put on how operators will migrate networks in order to ensure the transition does not create unnecessary disruptions.
- Item 2.2.1 – Margin squeezes in bundles: VON welcomes the focus of the ERG on bundled offerings and encourages the ERG to launch a broader debate on this issue, instead of simply publishing a Report with no consultation. Guidelines should be published by the ERG on how bundles should be addressed by its members in order to ensure that a harmonised approach is set in place across Europe.
- Item 2.2.2 – Fixed-mobile convergence: VON supports the ERG focus on numbering in the context of fixed-mobile convergence, as the current regulatory framework in Europe suffers from a lack of harmonisation, especially in the way nomadic VoIP numbers are looked at.

FURTHER HARMONISATION OF THE INTERNAL MARKET

For VON, the penetration of broadband in Europe is critical to ensure that consumers get the full benefit of the range of voice services and applications VON's members offer. VON therefore fully supports the ERG's focus on broadband retail prices, as this is a key element to encourage the adoption of broadband by European citizens. VON also reiterates its support to ERG as regards the complex but essential assessment of bundling, and the need for it to be closely analysed by the ERG.

CONSUMER ENPOWERMENT

VON obviously agrees with the fact that consumer empowerment is critical. We do however regret that the important issue of cross-border VoIP services is only



addressed by the ERG from the perspective of “enforcement, particularly in relation to consumer protection”, as if the only issue at stake was the potential negative impacts such services could have on consumers. Cross-border VoIP services have been one of the first true examples of pan-European services translating the concept of single market into reality. The patchwork of regulation faced by Voice on the Net providers currently creates multiple barriers to entry, to the detriment of all European citizens. Certainly this issue merits the same if not more attention by the ERG when looking at cross-border VoIP services?

VON therefore encourages the ERG to address the issue of consumer empowerment and VoIP in a much more complete manner, by also addressing such issues as the right of a consumer to freely choose the number(s) it wishes to use in a single market, their right to install the VoIP applications of their choice on their handheld devices and to use these applications at leisure, their right to benefit from a sufficient quality of service to use such applications, etc. VON also considers that NRAs should add more emphasis on regulating services according to consumer expectations and how services are perceived by them and presented to them, rather than simply applying legacy categories to them.

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.

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ABOUT the VON Coalition Europe

The Voice on the Net (VON) Coalition Europe was launched in December 2007 by seven leading Internet communications and technology companies, on the cutting edge – iBasis, Intel, Google, Microsoft, Rebtel, 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.