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BEREC Workshop on end user rights - Emergency Communications

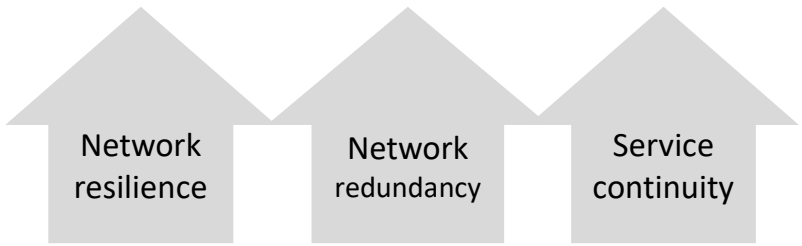
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We enable an inclusive Gigabit Society....



Digital Services



Telecom Infrastructure



1&1 @iip alpi Asociácia lokálnych poskytovateľov Internetu ATA ASSOCIATION DES OPÉRATEURS TÉLÉCOMS ALTERNATIFS
БАНТ БРАНШОВА АСОЦИАЦИЯ НА БЪЛГАРСКИТЕ ТЕЛЕКОМУНИКАЦИОННИ ОПЕРАТОРИ Bird & Bird bouygues TELECOM colt eolo
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In general terms...

- The EECC overall, is a worthwhile legislative instrument for ensuring the efficient and competitive functioning of Electronic Communication Networks and Services markets and for reaching VHCN deployment, access and take up objectives. This applies also to Title III of Part III of the EECC (“End-user rights”).
- When it comes to the state of transposition, it has advanced slowly. Many Member States have transposed the EECC very late, and many still have to implement it in practice (secondary regulation, NRA decisions, etc.). Several Member States have been recently been fined for failure to transpose the EECC and to notify the transposition measures (Ireland, Poland, Portugal, Slovenia, Latvia, ECJ Decisions of 14 March 2024 available [here](#)).
- So, the state of the art indicates that **any review of Title III and its specific provisions would be premature** due to the fact that:
 - **in many Member States, regulatory measures and/or implementation and enforcement rules are being implemented now!** (many MS transposed the EECC late, and the ones that just recently transposed it did not yet fully implement the provisions).
 - **in other Member States** that transposed the EECC early (2019, 2020) in any case **there has not been sufficient observation time after the implementation of the EECC provisions to assess whether there would be a need to amend Title III** in order to ensure that the objectives set out in Article 3 (“General objectives”) continue to be met as from Art. 123 provisions.

Focus on emergency communications (1)

- ecta Members' experience shows that Title III provisions on emergency communications are appropriate, to the point, and based on correct principles, and there is no need to modify those principles, also because their implementation is still proceeding.
- The articles 108 (availability of services), 109 (Emergency communications and the single European emergency number), 110 (Public warning system) and 123 (Specific review procedure on end-user rights) of the **EECC provide a complete protection of the end-users' rights regarding their rights to have access to the emergency communications** (emergency communications are a means of communication that includes not only voice communications services, but also SMS, messaging, video or other types of communications, for example real time text, total conversation and relay services) **and public warning system with a compliance path towards the availability of the newest technologies for emergency communications, also for the end-users with specific disabilities.**

Moreover, Recital 285 EECC provides that such emergency communications “can be triggered on behalf of a person by an in-vehicle emergency call or an eCall as defined in Regulation (EU) 2015/758”.

Focus on emergency communications (2)

The implementation of the principles provided by the EECC is made via specific Delegated Acts or BEREC Guidance which have been recently adopted in line with the EECC provisions:

Art 109

*(8) In order to ensure effective access to emergency services through emergency communications to the single European emergency number '112' in the Member States, the Commission shall, after consulting BEREC, adopt delegated acts in accordance with Article 117 supplementing paragraphs 2, 5 and 6 of this Article on the measures necessary to ensure the compatibility, interoperability, quality, reliability and continuity of emergency communications in the Union with regard to caller location information solutions, access for end-users with disabilities and routing to the most appropriate PSAP. **The first such delegated act shall be adopted by 21 December 2022.***

Art 110

1. By 21 June 2022, Member States shall ensure that, when public warning systems regarding imminent or developing major emergencies and disasters are in place, public warnings are transmitted by providers of mobile number-based interpersonal communications services to the end-users concerned.

2. Notwithstanding paragraph 1, Member States may determine that public warnings be transmitted through publicly available electronic communications services other than those referred to in paragraph 1, and other than broadcasting services, or through a mobile application relying on an internet access service, provided that the effectiveness of the public warning system is equivalent in terms of coverage and capacity to reach end-users, including those only temporarily present in the area concerned, taking utmost account of BEREC guidelines. Public warnings shall be easy for end-users to receive.

By 21 June 2020, and after consulting the authorities in charge of PSAPs, BEREC shall publish guidelines on how to assess whether the effectiveness of public warning systems under this paragraph is equivalent to the effectiveness of those under paragraph 1.

Focus on emergency communications (3)

- On 16 December 2022, The Commission adopted [Delegated Regulation \(EU\) 2023/444 supplementing Directive \(EU\) 2018/1972 of the European Parliament and of the Council with measures to ensure effective access to emergency services through emergency communications to the single European emergency number '112'](#).
- The Delegated Regulation has established definitions regarding the 'effective emergency communication' and 'contextual information' and has set, respectively for fixed networks and for mobile networks, the boundaries of the accuracy and reliability criterion for caller location information.
- At the same time the technical guidance needs regarding how to translate this criterion into the effective implementation have been successfully met. The EENA has published to this specific purpose a [Recommendation](#) which constitutes helpful guidance for the Member States, PSAPs and the operators.
- Several NRAs have published consultations on implementing the Delegated Regulation and refer to the EENA Recommendation in particular for mobile criteria.

Focus on emergency communications (4)

- When it comes to the emergency communications triggered on behalf of a person by an in-vehicle emergency call (eCall), the Commission very recently has published two delegated regulations by providing the review of the eCall specifications respectively for public safety answering points “PSAPs” (6 February 2024) and for vehicle manufacturers “OEMs” (14 February 2024).
- The Delegated Regulations establish the new technical specifications and provide the deadlines for compliance with those new specifications to PSAPs (1 Jan 2026) and to OEMs (1 Jan 2026 for the new types and 1 Jan 2027 for new vehicles).
- However, **the issue of the existing vehicles that have the current eCall relying on 2G/3G technology is a relevant one that still waits for a solution.**
- The external Study commissioned from IDIADA by the European Commission has important flaws both from structural and methodological standpoints (it is based on extremely old data estimates rather than real data, it does not consider at all among possible options the aftermarket solutions). So, it appears unreliable for any future policy decision.
- In any case, the solution proposed (the prolongation of 2G networks until 2035) appears unrealistic, at odds with the EU Digital Decade Objectives, and, if adopted, would be harmful for both operators and end-users.

Focus on emergency communications (5)

- When it comes to the emergency communications other than the voice calls, such as real time text and total conversation, the [European Accessibility Act](#) provides that, by 28 June 2025, the Member States and the undertakings providing electronic communications services should make available real time text in addition to voice communication and total conversation where video is provided in addition to voice communication.
- Only in April 2023, did ETSI release a revised version of the specification [ETSI TS 103 479](#) which will be key in allowing the emergency services communications also by other means than voice phone calls.
- As a consequence, similarly to the previous provisions, also for this specific provision, the implementation process is ongoing, and it is at the initial phases. Due to the very strict timeline, it appears impossible that the sector and the Member States will be able to implement the required specification ahead of the foreseen deadline.

Focus on emergency communications (6)

- The relevant provisions of Title III of the EECR are being progressively implemented through adoption of the specific European and national laws and regulations.
- Therefore, the state of the art indicates that **any review of specific provisions of Title III on emergency communications would be premature** due to the fact that:
 - **The specific European regulations have been very recently adopted (Delegated Act on the caller location accuracy and reliability criteria, Delegated Regulations reviewing eCall technical specifications for PSAPs and OEMs, and EENA Recommendation on caller location accuracy and reliability criteria) and there are still important open issues to be overcome with appropriate solutions (issue of existing vehicles based on 2G/3G standard eCall).**
 - **The technical standards for additional emergency communications means have released very recently and their implementation is in its initial phase, being itself a real challenge.**
 - **In Member States** the Title III provisions on emergency communications are **still being progressively implemented** through adoption of the specific national legislation based on the European legislation.
 - Since the legislation is still being implemented, it is **not possible to observe and assess its effectiveness and to assess which are the possible flaws of the provisions concerned, and to propose any amendments to them.**

Thank you (also for the questions)!