Body of European Regulators
for Electronic Communications

BEREC

BEREC Report on the outcome of the public consultation on the draft report on equivalent access and choice for disabled end-users

December, 2015

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1. Executive summary

This document summarises the responses received to BEREC's public consultation on the draft report on equivalent access and choice for disabled end-users. The draft report was published on 2 October, with the consultation running until 30 October.

The draft report reviewed the approaches taken by NRAs to promote equivalent access and choice for disabled end-users in the electronic communications sector. Stakeholders were asked to contribute their views and experience on measures and initiatives that they considered as supporting this goal and to recommend further measures and initiatives that they would like to see implemented.

Responses to the public consultation were received from the European Disability Forum (EDF), from DigitalEurope, from the European Emergency Number Association 112 (EENA), from the Mobile Manufacturer's Forum (MMF) and from Omnitor. The full texts of the responses are published separately on BEREC"s website, except with regard to EDF's response, since that entity requested the non-publication of its response.

The issues raised by the stakeholders ranged from the development and adoption of international standards for accessible communications products and services; the accessibility of means to contact emergency services; support for relay services; accessibility of information about suitable communications products and services; the involvement of disabled end-users and their representative organisations in decision-making; and monitoring and reporting on issues related to the accessibility of communications services.

This document summarises the responses received to the public consultation and presents BEREC's position with regard to suggestions and proposals put forward in those responses, as relevant.

2. Introduction

BEREC published for consultation, on the 2nd of October 2015, open until the 30th of October 2015, its update of the report on equivalent access and choice for disabled end-users, BOR (15) 135. That document essentially reviewed the approaches currently taken to promote equivalent access and choice for disabled end-users of communications services – in line with article 23a) of the Universal Service Directive - and sought views and experience from stakeholders to contribute to the final report that is planned for publication in December 2015.

The above mentioned report put forward two questions for the purposes of the public consultation:

a) Do you have details of initiatives which you consider to be best practices in promoting equivalent access and choice for disabled end-users of electronic communication services? Please describe and explain their relevance and impact on disabled end-users.

b) In your opinion, what actions or measures, if any, should be considered by NRAs, governments, public bodies, consumer associations, disability associations, equipment manufacturers, network operators, electronic communications service providers and the European Commission to improve equivalence of access and choice, for example, under the provisions of the Universal Service Directive?

Responses to the public consultation were received from the European Disability Forum (EDF), from DigitalEurope, from the European Emergency Number Association 112 (EENA), from the Mobile Manufacturer's Forum (MMF) and from Omnitor. The full texts of the responses are published separately on BEREC"s website, except with regard to EDF's response, since that entity requested the non-publication of its response.

This document summarises the responses received to the public consultation and presents BEREC's position with regard to suggestions and proposals put forward in those responses, as relevant.

In general, respondents were supportive of the document and their feedback was considered and, when appropriate, included in the Report on equivalent access and choice for disabled end-users.

3. Best practices to promote equivalent access and choice

The respondents conveyed their experience regarding a number of best practices related to solutions, standards, guides or actions implemented at national or international level for improving the quality of life for disabled end-users, by ensuring an equivalent access and choice with respect to electronic communication services.

With regard to best practices related to **standards**, it is globally recognised that the Information and Communications Technology (ICT) industry has a leading role in developing and implementing accessible solutions based on standards to ensure the market delivers the highest possible level of accessibility while minimising the burden on consumers, public entities and industry.

In this respect, Digital Europe mentioned the development of the international standard for text-to-speech for Digital TV (IEC 62731) in 2013 and the on-going creation of a new IEC standard on digital TV (IEC 62944).

EENA and Omnitor suggested that ETSI standards are an appropriate solution to achieve interoperability. Communication services and terminal equipment are procured by authorities according to standards for real-time text, audio and video, together called Total Conversation. In this regard, ETSI EG 202 320 recommends the standards used and provided to users with disabilities. The text relay services and the video relay services provide access according to the same technical specification ETSI EG 202 320, and provide services according to ETSI ES 202 975 Requirements for Relay services.

With regard to **terminal equipment**, the GARI database[1] has been indicated, by MMF and by DigitalEurope, as a valuable facilitator for the search and selection of mobile phone models which are suited to the special needs of persons with disabilities. In some countries, as it was also mentioned in the current draft BEREC Report, regulators have also taken up the GARI database to help inform disabled consumers on the options available for them.

In terms of **access to emergency services** as an important part of accessible communication, Omitor also expressed the view that the simple straightforward one-step dialling by number to and from persons with disabilities with relay service support is not completely implemented in these services. And not all are open 24/7, so there are some times when, for instance,

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[1] http://www.gari.info.

emergency service calls must be done in other ways than the most straightforward. Still they represent a good practice to look at when striving on to more complete fulfilment of the accessibility related articles in the Universal Service Directive.

In addition, EENA offered a non-exhaustive list of sources and practical examples related to the facilitation of access to emergency services by disabled end-users. In this context, it was highlighted that accessibility could be improved if several communications channels are available (e.g. SMS and Total Conversation; SMS and Emergency Apps) (see here[2]).

Moreover, EENA presented the following recommendations:

a) Access to 112 via SMS should be mandatory: European Authorities should provide clear and mandatory regulation on the use of emergency SMS, including accessibility of 112 using eSMS. 18 European Countries have implemented emergency SMS, and other Member States should do so too. For the specific characteristics of each project, further information is provided on page 11 of EENA's 'SMS access to 112' document;

b) Emergency apps should be encouraged and standardised: Apps can provide the option of chat and/or video communication with 112, the use of sign language, accurate location and text. For best practices about emergency apps providing equal access to emergency services for disabled people, further information is provided on EENA's 112 Smartphone Apps and 112 Apps Strategy documents;´

c) Total Conversation should be encouraged: Total Conversation is an extension of the voice telephony concept by adding the video and real-time text media. An initiative offering best practices is the European project REACH112. Article 26.4 refers to standards which should be listed, including the standards on Total Conversation done by ETSI;

d) Relay services should be used for emergency communications: An important part of accessible telecommunications when two parties don't 'speak' the same language, a human interpreter can provide a translation service; different communication modes; text relay (email, SMS, real time text), video relay (sign-language, lip-reading). Initiatives offering insight into this can be found (among others) in:

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[2]   http://www.eena.org/publications/outcomes-of-eena-members-workshop-meet-your-mep-events-report-now-available%20-%20.VjNxFit8t5Q#.VjyrfpWhc6Y

- CNR114 France: Total Conversation roll-out planned for the end of 2015, beginning of 2016
- Sweden: For real time texts, the text relay is open for standard sip calls, but with no specific address for emergencies. In Sweden the video relay service has opened a prioritised access address for emergency times.
- The Netherlands: Direct accessibility for real time texts is realised; sign-language support has been outsourced to a relay service.
- Norway: The video relay service can connect emergency calls and use text and sign language, but it is open only 8 to 20 Monday to Friday. An emergency sign language interpreter service is in planning and may be started early 2016, but not yet confirmed.
- Germany: Germany has a well-documented way for 112 and 110 access for sign language and text through relay services (Monday to Sunday from 8h to 23h).

With regard to **relay services**, for more detailed information on these services, Omnitor suggested as examples of good practices, PTS for the Swedish text relay service and video relay service, the Swedish county councils for the accessible total conversation services they procure, the Norwegian authority, NAD, for the total conversation relay service and communication service and the Dutch Ministry of Innovation for the Total Conversation relay service and total conversation communication service.[3]

4. Possible actions and measures to be considered

Regarding possible actions and measures to be considered by NRAs, governments and other public bodies, the European Commission, as well as consumer and disability associations, equipment manufacturers, network operators and electronic communications service providers, in order to improve equivalence of access and choice for disabled end-users, the respondents focused mainly on:

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[3] The reference to the Norwegian authority is understood to be NAV, the Norwegian Labour and Welfare Administration, rather than NAD. NAV offers a video relay service with sign or text relay of telephone calls, or remote sign/text interpretation of direct conversations between a hearing impaired person and a non-hearing impaired person. More information on this subject is available here: http://eng.nkom.no/consumer/disabled/disabled/electronic-telecommunications-services-for-disabled-end-users

a) Standardisation of equipment manufacturing aiming at ensuring interoperability of products and technologies;

b) Implementation of standards for accessible information, namely the first European Standard on accessibility requirements of ICT products and services (EN 301549);

c) Ensuring the accessibility of emergency services;

d) Ensuring the availability of relay services;

e) The need to monitor the issues related to equivalent access and choice more closely and on a regular basis;

f) Strengthening cooperation with disabled users' representative organisations.

In relation to the **standardisation of equipment manufacturing**, both DIGITALEUROPE and MMF stressed that demand generation should be achieved by standardised public procurement and referenced standards for public procurement should be globally recognised standards (such as the EN 301 549, as MMF suggested), specify functional requirements, cross-platform, technology neutral and proven to support further innovation and competition, encouraging accessibility features to be included in mainstream products at affordable prices.

Omnitor too highlighted the fragmentation and lack of interoperability of communication for persons with disabilities and the benefits that would arise for users if services were interoperable and made according to certain standards.

In DIGITALEUROPE's view, legislators should refrain from developing a one-size-fits-all approach, since requiring that every product addresses all disabilities may be undesirable, impractical, and needlessly drive up the cost of every product.

The importance of the GARI initiative was highlighted by MMF, while providing a record of existing accessibility solutions and at the same time leaving room for continued technical innovation.

Against this background, Omnitor suggested a mechanism for making suitable standards for these purposes known, by listing them in the Official Journal according to the principles set forth in the Universal Service Directive, in order to make it clear for the involved organisations how to achieve good functionality and interoperability in accessible communication, relay services and emergency service access. This respondent suggested a list of standards by ETSI EMTEL to be considered as a starting point.

In any case, MMF stressed the importance of improving end-users' awareness of the already existing accessibility solutions in today's mobile devices.

On this matter, BEREC recognizes the need that equipment requirements and standards are developed at an international level in order to ensure interoperability of products and technologies. It is also BEREC's opinion that the development of standards should involve equipment manufacturers, as well as disabled end-users' representative associations. Therefore, although BEREC is not currently able to assume a definitive stand regarding these issues, the suggestions made by the respondents will be taken into account.

Regarding the implementation of **standards for accessible information**, EDF encourages NRAs to get to know and use the first European Standard on accessibility requirements of ICT products and services – EN 301549 –, as it contains requirements for hardware and software, as well as for (non-web) documents, ICT providing relay or emergency services, and web. Considering the accessibility of websites of NRAs and different e-communication operators, EDF discourages the approach of only making accessible the webpage dedicated to the provisions for users with disabilities from another page that remains non-accessible, since the user will not be able to arrive to the desired webpage. EDF considers the W3C WCAG Level AA (or the EN301549 clause 9) an acceptable level of web accessibility, although website owners should be encouraged to strive for higher levels.

Regarding the **accessibility of emergency services**, EDF finds it necessary for the European Commission to adopt measures aiming to ensure that access to emergency services for persons with disabilities is harmonised across the EU.

At the same time, in EENA's view, equivalence of access for disabled end-users to emergency services, including "112", should involve effectively listed standards related to article 26.4 of the Universal Service Directive, and European Institutions should ensure that these standards, as well as regulation for accessible communication and accessible emergency services, apply on terminal manufacturers and mobile network operators. Omnitor too highlighted the importance of setting standards for accessible emergency services, which should include access for total conversation users and support when needed from relay services.

Also, it is EENA's opinion that Next Generation 112 standards and regulation on emergency calling should be proposed at EU level along with a test of the entire Next Generation emergency calling chain. In this context, EENA pointed out that when upgrading Public Safety

Answering Points (PSAPs), national authorities should ensure that the deployments are in line with Next Generation standards and therefore Total Conversation requirements.

According to EENA, European Authorities should mandate access to 112 via text (SMS) all over the EU (free of charge) and request that 112 SMSs function when roaming (including the provision of caller location). Additionally, BEREC and European Authorities should look into access to 112 from an OTT-1 type of service, in addition to OTT-0 types of service, as EENA believes emergency services need to be reachable from not just traditional voice service providers but also from OTT providers. Emergency Apps should be encouraged but standardized.

Considering the relevance of this issue, EDF suggested that future reports include a dedicated question on emergency services.

BEREC recognizes the necessity that access to emergency services is duly considered in the implementation of new technologies. However, without prejudice to the adoption of European standards, this matter may require a more comprehensive analysis in light of specific national circumstances. In any case, BEREC will take into account for future reference EDF's suggestion to include a dedicated question on the accessibility of emergency services in future updates of its report on Equivalent Access and Choice.

In what comes to **relay services**, their availability, both in text and video formats, as well as total conversation services, were pointed out by Omnitor as a key factor for the fulfilment of the equivalence requirements of the Universal Service Directive regarding persons with disabilities. Therefore, this respondent considers governments should be encouraged to ensure the provision of relay services, particularly text relay services and video relay services, as well as captioned telephony relay services. Both Omnitor and EENA are of the opinion that, when setting up the relay services, their use for emergency service access should be considered.

The availability of relay services, along with the affordability of the products and services, accessible customer service, the possibility to test the terminal equipment, the adoption of quality standards and best practices (such as the availability of sign language interpreters in Finland) were also mentioned by EDF as relevant issues to ensure equivalence for disabled users.

BEREC agrees that the availability of relay services is of great importance when ensuring equivalence of access to communication services by disabled end-users and that the best practices singled out by EDF are of great interest. It is also agreed that governments and market players should be encouraged to ensure the provision of relay services, particularly text relay services and video relay services, as well as captioned telephony relay services.

Additionally, EDF believes that more efforts should be made in regard to establishing **regular monitoring** exercises and an accessible complaint mechanism for users in all Member States. EDF also suggested that BEREC could set up a regular two-year timeframe for the reports and workshops on accessibility, highlighting also the importance that all NRAs respond to the surveys that feed into the BEREC report on Equivalent Access and Choice for Disabled End-Users.

In this regard, BEREC also considers that the periodic update of its Report on Equivalent Access and Choice useful and that a wider participation of NRAs would be ideal and greatly improve its comprehensiveness and usefulness.

Lastly, EDF pointed out the importance of involving disabled end-users and their **representative organisations** while adopting measures on these matters, in accordance to article 4.3 of the UN CRPD, and recommended the preparation of a questionnaire for disabled people's organisations in each country in order to assess the quality of the e-communication goods and services provided to persons with disabilities, as well as their satisfaction about them.

On this matter, BEREC recognizes the need to actively involve the representatives of disabled end-users in the decision making process regarding these issues, in order to ensure these citizens' needs are duly fulfilled.

5. Other issues

Omnitor identified a possible mismatch between relay service counts in section 4.1 and 7.6 of the BEREC Report on Equivalent Access and Choice (in section 4.1, figure 1, there is said to be seven countries who have relay services, whilst in section 7.6, figure 11, there is said to be 14 countries who have relay services).

On this matter, BEREC stresses that the information provided in the report encompasses the answers provided by NRAs to a number of questions in a questionnaire that circulated to this effect. However, while some NRAs responded to all the questions, others responded only to part of them. The information regarding their national contexts could only be considered in the parts they explicitly addressed.

Additionally, the level of detail provided in the answers varied significantly. For instance, regarding the answers to the question that was considered in section 4.1, while some NRAs provided a detailed description of all the measures in place in their countries, others provided a more general overview, mentioning only those measures they considered more relevant. In this context, the figures provided in this section should be considered non-exhaustive and merely illustrative, and are not directly comparable to other sections of the report. This clarification was introduced in the report.

Omnitor also notes that in section 4.1 of the BEREC Equivalent Access and Choice Report there is a bullet point just above Figure 1, titled "Emergency services", with the following contents:

"•Emergency services, e.g. operator assistance and a telephone directory enquiry service using short code numbers, as well as call progress voice announcements in a form suitable for textphone users (CY); emergency calls using sign language (SI);"

As Omnitor underscores, this is not the usual content of emergency services. The usual contents is what is provided through the emergency number 112, i.e. life and property saving services. Therefore, Omnitor suggests that it would be more appropriate to call the category "Various services" and let "accessible emergency services" be part of the list after "e.g".

BEREC considered the suggestion and agrees that it is not clear whether those measures are directly related to emergency services. Therefore, this example was moved to the last paragraph in section 4.1, referring to "other measures" in place.