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To: BEREC

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VHCN_Guidelines@berec.europa.eu

Attn: Very High Capacity Networks Guidelines team**Ref: public consultation on the draft BEREC Guidelines on very high capacity networks**

Dear BEREC VHCN Guidelines Team,

The underwritten National Association of ISPs in Romania (ANISP - Asociația Națională a Internet Service Providerilor din România), registered according the Romanian law on associations and foundations, registry no. 3/2001/PJ, VAT code RO 13679664, legally represented by Mr. Cătălin Cuturela (president), is submitting the following feedback on BEREC's announcement of public consultation on the draft Guidelines on very high capacity networks:

Paragraph 39 – "typical end-user QoS". The existing phrasing does not take into account the inter-network segments. Not all networks are directly interconnected. For such not-interconnected networks the traffic between end-users is also influenced by the length of the transit path (this may induce RTT 10 times bigger than in the case of direct interconnection scenario, with considerable higher jitter, too). We propose instead the phrasing:

"39. The achievable end-user QoS may vary between different end-users depending on e.g. the length of the access media, quality of the access media, interferences and noise, **quality of networks interconnections (capacity of interconnection points and distance to these)**. The determination of the performance thresholds 1 and 2 therefore is based on the achievable end-user QoS which end-users typically experience (e.g. mean). "

Real life example: in Romania, according stats published by the NRA (ANCOM), RCS & RDS has more than 50% market share on the fixed Internet retail market. However, RCS & RDS has a very restrictive peering policy, thus a lot of traffic transits the networks of the respective upstream providers to finally reach its destination. The RCS & RDS requirements for interconnection are obviously exaggerated: (1) for a 10 Gbps interconnection port, RCS & RDS requests a tariff which is roughly double then the normal price of a 10 Gbps global IP port. (b) RCS & RDS does not agree to calibrate the peering port price according the "normal" metrics: bit-miles / number of customers / content availability.

Peering among networks should be done using similar rates (or mutually free of charge). Peering among different size networks should bear a proportional sharing of the costs. None of these principles is accepted by RCS & RDS.

The consequence is that – during crisis time, like now, in the COVID 19 pandemic – end to end service is degraded when the ends are in different networks. Example from the real

world, happening as we type this comment: end-users using their RCS & RDS home connection to work from home, connected to the company servers (the company being a customer of another provider): their remote work session is often interrupted, the quality of the link induces annoying delays etc. The IP traffic goes Bucharest – Frankfurt – Bucharest, instead of being delivered locally.

Aside from changing the phrasing of paragraph 39, it is our strong opinion that peerings must be regulated, in the same manner voice services were regulated. The Internet has a far greater importance now in our lives than it ever was the importance of the simple voice service. Peering regulation was already examined by the EC in 2009-2011 (when the Polish NRA UKE regulated the IP peering of the Polish incumbent https://ec.europa.eu/competition/antitrust/cases/dec_docs/39525/39525_1916_7.pdf).

At that epoch EC rejected peering regulations, as “transit” was considered to be a fair substitute for direct interconnection (peering). However, the Internet based applications that we use today are far more sensitive to end-to-end QoS. We are no longer in the FTP era. All services migrated over IP. Applications like videoconferencing, IoT, telemedicine, remote assistance need (quasi) real time communications. The 2010 position of E.C. must be reconsidered. If not, it is only a matter of time until a crisis will prove it, while the people in charge will candidly affirm “we didn’t know...”. One can not talk about “very high capacity networks” without suitable interconnections.

Accordingly, other paragraphs of the draft Guidelines might need amendments, to make sure the QoS is ensured across networks as well. Of course, one network cannot guarantee what is happening in another network, but it does have control on the interconnection parameters (mainly capacity & distance – which influence the RTT and jitter). In order to obtain a real & clear view on the end-to-end QoS, these end points must be defined and a special case must be considered: the end-points are physically “next door”, but in different networks, networks only indirectly connected thru IP transit (thus, the „interconnection point” is quite remote and not always has a properly dimensioned capacity).

Sincerely yours,

Asociația Națională a Internet Service Providerilor din România

Executive Director
Tiberiu Gîndu