

Invitation to participate in the
Virtual workshop on a harmonized data collection regarding
Number Independent Interpersonal Communication
Services and Video-streaming Services

Thursday, 19th November 2020, 9:00 – 12:00 CET; 14:00 – 16:30 CET

This is an invitation for providers of these services, National Regulatory Authorities, Other Competent Authorities and other interested parties.

About the BEREC project

In the past years, so-called “Over-the-Top” (OTT) services – like Social media, Instant Messaging, Video-conferencing and Video-streaming – are widely used by consumers and businesses. While these services are of great value to many, their increasing impact in the rapidly evolving electronic communications market has never been quantified.

Yet, at the end of 2018, Article 2 in Directive (EU) 2018/1972 (“European Electronic Communications Code”) provided a new definition of “interpersonal communications services” giving NRAs the legal power needed to collect data from providers of “number independent interpersonal communications services” (hereafter NI-ICS). Moreover, Article 20 provided the legal basis to request data from undertakings which are not active in the electronic communication services or networks but are still in closely related sectors, insofar these requests are substantiated and proportionate.

In view of this, BEREC has elaborated on how to identify previously unavailable data that NRAs may need in order to perform their tasks. In order to collect these data in a harmonised way, BEREC initiated a conversation with the industry to identify and define indicators for which data would assist in performing NRAs tasks and could be collected. In 2020 BEREC issued questionnaires to understand the possibilities of companies to deliver data. The questionnaire responses have been used to define a precise first proposal of metrics to perform NRAs tasks. BEREC would like to present these aforementioned metrics and indicators listed in ANNEX I at the workshop and discuss them with interested parties.

Generally, the data collections will be undertaken by NRAs in a proportionate and reasoned manner to deliver information necessary for their needs. The main reasons mentioned by NRAs for the data collection, are the necessity of information for defining relevant markets, for assessing the impact of the identified services on traditional communication services (for example, examining the substitution of NI-ICS, NB-ICS over the public internet and traditional ICS) and, generally, for market supervision.

Why participate in the virtual workshop?

BEREC considers that the industry should be consulted thoroughly as to enable BEREC to make a judgement on the proportionality of data requests and understand the efforts/costs to provide information. Moreover, it is also necessary to further engage with the industry in order to define precise metrics. **The ultimate goal of the workshop and stakeholder engagement is to produce a list of indicators that NRAs may consider to collect in the future. Stakeholders are invited to express their views and have their voice listened.**

In 2021, after considering the workshop outcome, BEREC will issue a Draft Public Report on the subject which will be on consultation by the spring of 2021. BEREC expects the final report, with the final list of indicators, to be published in September 2021.

Practical information

This is a virtual event and connection details will be circulated beforehand to those wanting to attend. Please register by **Friday 13th of November at the very latest** by writing to WORKSHOP@berec.europa.eu and submitting the filled in registration form provided to you together with this invitation. When registering, please indicate whether you plan to attend either morning or afternoon sessions, or both of those.

On 16th of November a test possibility will be provided for those who registered giving a possibility for you to adjust your technical arrangements (voice, sound, connectivity, etc.).

We are at your disposal should you have any further inquiries.

We look forward to seeing you at the Workshop.

Best regards,

Begoña Garcia-Mariñoso and Rita Vala (Co-Chairs of the BEREC Statistics and Indicators Working Group)

Invitation to participate in the Virtual workshop on a harmonized data collection regarding OTT services

Thursday, 19th November 2020, 9:00 – 12:00 CET; 14:00 – 16:30 CET

Preliminary agenda Morning Session *NI-ICS services*

8:30-9:00	Opening for log-in	
9:00-9:10	Welcome and opening remarks	BEREC Chair Dan Sjöblom
9:10-9:30	Introduction - NI-ICS services	BEREC
9:30-10:15	Proposed indicators and definitions – service users by country of residence (indicators 1 & 2 in the Annex)	Open for discussion
10:15-10:45	Proposed indicators and definitions – usage (indicators 3 to 13 in the Annex)	
10:45--10:55	<i>Coffee-break</i>	
10:55-11:10	Introduction revenues and preinstallations	Open for discussion
11:10-11:40	Proposed indicators and definitions – revenues (indicator 14 in the Annex)	
11:30-11:50	Proposed indicators and definitions – Preinstallations (indicator 15 in the Annex) and other relevant indicators	
11:50-12:00	AOB	
12:00	Close of morning session, next steps for ICS	Co-chairs BEREC Statistics and Indicators Working Group

Preliminary agenda Afternoon Session *Video-streaming services*

13:30-14:00	Open for log-in	
14:00-14:05	Welcome and opening remarks	BEREC
14:05-14:20	Introduction – video-streaming services	
14:20-14:45	For subscription services: Registered User and simultaneous streams Metrics by country of residence (indicators 1 and 2 in the Annex)	
14:45-15:00	For services that are sold on a “fee per content basis”: Registered users and number of services sold at least each semester by country of residence (indicators 3 and 4 in the Annex)	Open for discussion
15:00-15:20	For subscription services. Number of monthly active users by country (indicator 5 in the Annex).	

15:20-15:30	<i>Coffee-break</i>	
15:30-16:00	Revenue metrics by country (indicators 6 & 7)	Open for discussion
16:00-16:20	Data traffic Metrics by country (indicator 8)	
16:20-16:30	AOB	
16:30	Close of workshop, next steps for Video-streaming	Co-chairs BEREC Statistics and Indicators Working Group

Annex 1 – PROPOSED INDICATORS AND DEFINITIONS

Over-the-Top (OTT) services – like Social media, Instant Messaging, Video-conferencing and Video-streaming – are widely used by consumers and businesses in Europe. While these services are of great value to many, their impact in the rapidly evolving electronic communications market has never been quantified.

Yet, Article 2 in Directive (EU) 2018/1972 “the European Electronic Communications Code” (hereinafter EECC) provides a broad definition of interpersonal communications services giving NRAs and OCAs the legal power needed to collect data from providers of number independent interpersonal communications services (hereafter NI-ICS). Moreover, Article 20 provides the legal basis to request data from undertakings which are not active in the electronic communication services or networks but are still in closely related sectors, insofar these requests are substantiated and proportionate.

These new data collection powers apply to all National Regulatory Authorities (NRAs) and Other Competent Authorities (OCAs), increasing the need for the harmonisation of indicator definitions and metrics. Additionally, most of these services are provided on a European or global scale. Thus, harmonisation would facilitate the data collection for authorities, make it easier for the companies to provide data and allow for some international comparison.

In view of the above BEREC started by identifying unavailable data that NRAs may need in order to perform their tasks¹ and concluded that the specific services of interest were: instant messaging, internet-telephony (comprising of voice- and video-calls), followed by tv streaming and subscription video-streaming services. NRAs also stated that the most important indicators were the penetration and number of active users of the aforementioned services, followed by information about revenues and fees (whether the service is offered freely to consumers and any prices for consumers).

According to NRAs, the main reasons for the data collection are the necessity of obtaining information for defining relevant markets, for assessing the impact of the identified services on electronic communication services and, generally, for the supervision of electronic communications markets. Additionally, that information would be necessary to safeguard the level playing field, and assess interoperability e.g. in the context of end-to-end connectivity and emergency services.

In 2019 BEREC has initiated a dialogue with the industry to identify and define indicators for which data would assist in performing NRAs tasks and could be collected.

The ultimate goal of the current BEREC’s task and engagement with stakeholders is to produce a list of indicators that NRAs may consider to collect in the future, so that it is easier for the providers to hand in the data required (common standards) and also, there

¹ BoR (19) 244.

is some possibility of country comparison. This list may not be cover all of NRA informational needs in the future, as national specificities may imply that some NRAs have extended requirements. The list is being produced considering the indicators that many or most NRAs have identified as important and taking account of the information and opinions provided by stakeholders. However, this list is not definitive and will be updated depending on the outcome of the discussion with stakeholders.

For all these reasons, this workshop is being organised as to enable BEREC to discuss the metrics proposed or possible alternatives and to allow BEREC to further judge the proportionality of the data requests.

BEREC expects to be able to finalize the list and the indicator definitions after the workshop, so that in 2021 a final report is proposed in the third BoR meeting in 2021 (expected publication in October 2021), after due consultation (expected publication in February 2021).

NI-ICS services

BEREC is proposing the following indicators to be collected from NI-ICS providers as defined in Article 2 of the EECC (Directive (EU) 2018/1972) and in particular, regarding the following NI-ICS:

- Messaging Applications (including those in social network applications);
- Internet and video telephony Applications.

1. Number of Registered users

- **number of registered users, who registered with a specific NI-ICS service, by country of residence and by NI-ICS service (at least twice a year, as of 30 June and as of 31 December)**

In case the registration is not related to a specific service but rather to the general use of a platform (membership, creation of an ID), the NI-ICS provider should make an assumption with respect to the portion of registered users that have used the service in question at least once and inform the NRAs about their assumption.

Possible proxies to estimate the split by country are (1) the country code of the (mobile) phone number – if provided upon registration - or (2) the IP-address.

2. Number of Active Users

- **number of monthly active users, who used the service in the last 30 days as of the date of measurement, by country of residence, by service. In order to have a view on the seasonality, the data is to be provided at least twice a year, for the months as of 30 June and as of 31 December).**

Possible proxies to estimate the split by country are (1) the country code of the (mobile) phone number – if provided upon registration - or (2) the IP-address.

- 3. The total number and minutes of voice calls, by country of origination at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 4. The total number and minutes of video-calls, by country of origination at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 5. The total number of instant messages, by country of origination at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 6. The total number and minutes of voice calls terminated inside the country of origination at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 7. The total number of instant messages terminated inside the country of origination at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 8. The total number and minutes of voice calls terminated in any other EU/EEA country at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 9. The total number and minutes of video-calls terminated in any other EU/EEA country at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 10. The total number of instant messages terminated in any other EU/EEA country at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 11. The total number and minutes of voice calls terminated in non-EU/ countries at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 12. The total number and minutes of video-calls terminated in non-EU countries at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 13. The total number of instant messages terminated in non-EU countries at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**

Note:

Since only NI-ICS are within the scope of this proposed metric, the relevant calls/messages to be taken into account should only be those made/sent by NI-ICS users towards other NI-ICS users. Thus, this would exclude any calls/messages which are routed towards fixed/mobile networks based on the called number, as the latter would constitute NB-ICS in accordance with EEC Article 2(6).

In this respect, the country of termination for the calls/messages which is relevant for the proposed metrics in (6) to (13) above is to be established based on the country of residence of the called user or some other proxy as described in (1) above.

Additional indicators – to be discussed

14. Revenue related indicators

Service revenue is an important indicator for regulators, as it allows NRAs to determine the size of the market for services, learn of the importance of different providers by assessing their market shares and understand the average revenue per user. In the case of NI-ICS services, assessing service revenues is not simple. NI-ICS providers normally do not charge consumers for the use of NI-ICS and instead monetize the sales of services to third parties, using as a core input into their productive processes the access to their customer base and customer information. In some cases, the services are funded by donations and grants or funds. Moreover, some NI-ICS form part of a digital platform, where different functionalities are bundled together to provide value to the end consumer. Yet, Recital 16 EEC recognises that the concept of remuneration of an electronic communication services is wide, as services are often supplied to the end-user not only for money, but increasingly and in particular for the provision of personal data or other data. Therefore, an ample definition of revenues needs to be considered by NRAs in the monitoring of markets.

BEREC would like to discuss with providers a way forward in delivering revenue indicators.

15. Preinstallations

Pre-installation can have a large impact on the usage of services. Consumers may use certain services, because they are readily available on the device. Several studies by NRAs² show how pre-installations can have an impact on consumer choices, leading to a decreased number of consumers switching to other services, e.g. also by the impossibility for consumers to uninstall preinstalled apps. Information on pre-installations is hardly publicly available, but crucial in assessing the extent of this impact of pre-installations on the use of and competition between NI-ICS services and consider the implications for ECS markets.

Thus, some BEREC members would find it useful to collect information on which devices a NI-ICS is preinstalled – concerning pre-installations on devices of own brands and when

² ACM (2019): Market study into mobile app stores; ARCEP (2018): Devices, the weak link in achieving the open internet; RTR (2019): Report on the open internet: operating systems, apps and app stores.

applicable as well as pre-installations on the devices of other companies. The information may encompass characteristics of the devices on which a NI-ICS is preinstalled. In case the provider of NI-ICS is also manufacturing devices and performing preinstallations, the NI-ICS can provide a list of device models, on which those preinstallations are performed. BEREC would like to discuss with providers about ways to delivering preinstallation information.

VIDEO-STREAMING SERVICES

SERVICE DEFINITION

Video content over the public internet which is either offered: on-demand (i.e. for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes) and/or linear content (i.e. for simultaneous viewing of programmes on the basis of a programme schedule) streaming, with the following characteristics:

- It is exclusively offered to a group of consumers normally in exchange of a monthly (or other regular) payment; or
- It is offered from a catalogue and in exchange of a fee per individual content; or
- It is offered at no specific cost to consumers but only if they either purchase or use other “for payment” services offered by the video-streaming provider.

This definition does not include IPTV services (that is, video transmission that is not provided over the public internet) or apps that allow paid managed IPTV service clients to access the video content offered via IPTV, using devices such as tablets or smartphones.

INDICATORS

- 1. Number of registered users, who subscribed to a specific “subscription service” by country of residence at least twice a year (data as of 30 June and as of 31 December).**

A “subscription service” is a service that allows the consumption of several contents for a pre-established period of time, for example for a month or quarter, that is contracted once and then has ongoing regular payments.

BEREC understands this information is generally available although there are differences as far as payment schemes and subscription models are concerned.

- 2. Number of “simultaneous streams” that are marketed with “subscription” services by country of residence at least twice a year (data as of 30 June and as of December).**

This is if one registration only provides for 1 stream, it would count as 1, but if it provides 3 simultaneous streams, it would count as 3.

- 3. For services that are sold on a “fee per content basis”, number of services sold at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 4. For services that are sold on a “fee per content basis”, number of registered users (at least twice a year, semester information, data as of 30 June and as of December).**

A “fee per content service” is a service by which contents are sold once for a price and are not subject to further recurrent payments

- 5. Only for subscription services. Number of monthly active users, who used the video-streaming service at least once in the last 30 days as of the date of measurement, by country of residence, by service. The data is to be provided at least twice a year (data as of 30 June and as of 31 December).**
- 6. Subscriber based revenue of video-streaming services split by recurring fees and one-time purchases, by country and service at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 7. Other direct user revenue sources, by country and service, at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**
- 8. Data traffic generated by the video-streaming service, per country. To be collected at least each semester (accumulated from 1 January to 30 June and from 1 July to 31 December).**