



ecta RESPONSE

**TO THE PUBLIC CONSULTATION BY BEREC
ON THE**

**DRAFT REPORT ON THE HARMONISED
DEFINITIONS FOR INDICATORS REGARDING
OTT SERVICES, RELEVANT TO ELECTRONIC
COMMUNICATION MARKETS**

BoR (21) 33

21 APRIL 2021

1. **ecta**, the [european competitive telecommunications association](#),¹ welcomes the opportunity to comment on the BEREC Draft Report on the harmonised definitions for indicators regarding OTT services, relevant to electronic communication markets - BoR (21) 33.
2. **ecta** represents those alternative operators who, relying on the pro-competitive EU legal framework that has created a free market for electronic communications, have helped overcome national monopolies to give EU citizens, businesses and public administrations quality and choice at affordable prices. **ecta** represents at large those operators who are driving the development of an accessible Gigabit society, who represent significant investments in fixed, mobile and fixed wireless access networks that qualify as Very High Capacity Networks and who demonstrate unique innovation capabilities.
3. Several provisions in the European Electronic Communications Code (EECC) have resulted in a significant increase of the administrative burden for Electronic Communication Network (ECN) and Service (ECS) providers. Hence, **ecta** calls on BEREC to strictly stick to the principle that any request for information must be proportionate to the performance and the task and must be reasoned to minimize any extra burden for ECN and ECS providers.
4. **ecta** believes that National Regulatory Authorities (NRAs) should not ask ECN or ECS providers to share data on video-streaming services as the Internet Access Service Provider (IAS provider) is unable to quantify and identify the traffic content of a specific content provider from the aggregated traffic received by the CDN. For example, if DISNEY + is using the CDN AKAMAI to deliver its content, it is impossible for the IAS provider to quantify how much of the traffic received by AKAMAI is effectively related to DISNEY + content.
5. **ecta** expects BEREC and NRAs to continue to focus their limited resources to enable and improve competition at the network and service levels of electronic communications markets, i.e. to focus on the fundamentals of regulating electronic communications markets.
6. Any request for video-streaming services data to ECN/ECS providers for the purpose to assess network congestion as mentioned under '3.2.1.5 Data Traffic Metrics' of the BEREC draft report does not fulfil the basic requirement of proportionality to the

¹ <https://www.ectportal.com/about-ecta>

performance and the task and is not reasoned. Indeed, to prevent/address network congestion issues, NRAs do not need to know the data traffic that is attributable to specific services but only data traffic at aggregate level (e.g. such as the monitoring tool created by Italian NRA following the boost of data consumption due to the COVID-19 pandemic).

* * *

In case of questions or requests for clarification regarding this contribution, BEREC and NRAs are welcome to contact Mr Luc Hindryckx, Director of General of [ecta](#).