facebook

21 April 2021

VIA EMAIL (PC_BEREC_OTT_Report@berec.europa.eu)

Body of European Regulators for Electronic Communications
Zigfrida Annas Meierovica boulevard No. 14
LV-1050 Riga
Latvia

Attn: Begoña García Mariñoso, Rita Vala

Re: BEREC Draft Report on harmonised definitions for indicators regarding OTT services, relevant to electronic communications markets (the "Draft Report").

Dear Sirs

We welcome BEREC's continued work on harmonized data collection regarding Number Independent Interpersonal Communication Services (**"NI-ICS"**) and provide the following observations on the Draft Report.

General observations

At the outset, we would like to welcome BEREC's acknowledgement of the points made by Facebook and other respondents regarding the variety of challenges providers of OTT services face in identifying and gathering accurate and reliable information. In particular, we agree with BEREC's view that gathering harmonized data in relation to revenue and country of destination for NI-ICS services raises unique issues and should not be included in the final set of harmonized indicators.

We note BEREC's intention with the Draft Report is neither to impose on NRAs the obligation to collect data from OTT providers, nor to instruct NRAs on the scope, modalities and frequency of such data collection. Nevertheless, as a company that operates in all EU Member States and worldwide, we support BEREC's efforts to achieve a more harmonised approach by NRAs when seeking information from OTT providers. We strongly urge NRAs to adhere wherever possible to any finally agreed harmonized metrics for data collection under the European Electronic Communications Code ("**EECC**") published by BEREC in order to best support the realisation of a Digital Single Market.

We welcome BEREC's recognition that the identification of common indicators should help reduce the costs of providers for complying with the data requests of different authorities.

Harmonized metrics should also help ensure that requests for information are proportionate, reasoned and limited to what is necessary for NRAs to carry out their duties under the EECC.

Number of Monthly Active Users (MAU) who used the service in the last 30 days as of the date of measurement, by country of residence, by service

As noted in our previous responses[1] as well as in responses submitted by industry trade organisations such as Digital Europe, unlike traditional telecommunications providers, who primarily offer services on a national basis, NI-ICS are often provided on largely the same basis globally. In addition, NI-ICS services do not typically require information on, or have an accurate means of identifying, country of residence due to, e.g., users traveling internationally, users accessing NI-ICS from alternate IP addresses. Data will also likely fluctuate materially during different periods of the year due to factors such as holidays, festivals, international sporting events etc., which see large numbers of users travelling outside their normal country of residence, and these variances are likely to lead to material distortions in metrics.

While it should be possible to provide MAUs broken down by different Member States based on proxies and/or assumptions (e.g. registered phone number, estimated location etc), it should be noted that this information will be inherently less accurate than for traditional telecoms services and would likely limit the ability for NRAs to draw accurate comparisons between OTTs and traditional services.

Number of Monthly Active Business Users who used the service in the last 30 days as of the date of measurement, by country of service deployment, by service

Based on how our services are currently structured, it is unlikely to be possible to accurately identify all business users of a particular NI-ICS.

Number of Registered users, who registered with a specific NI-ICS service, by country of residence and by NI-ICS service, at a specific date

As noted in previous responses, Facebook considers that the number of registered users is unlikely to provide accurate or useful information for assessing adoption or effective usage of NI-ICS services.

For these reasons, we recommend that NRAs do not seek to rely on information about registered users but instead focus on MAU, which we believe presents a more accurate and meaningful picture on user engagement.

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[1] See Facebook response to BEREC questionnaire dated 27 May 2020; Facebook attendance at BEREC workshop in November 2020; Facebook follow up emails 7 December 2020 and 22 January 2021.

We once again thank BEREC for the opportunity to participate in this exercise. We hope the additional information is helpful and we remain available to answer any further questions.

Yours faithfully

Johan Keetelaar
Head of Connectivity & Access Policy - EMEA