

Notice for the launch of the public consultation on BEREC Draft Report on harmonised definitions for indicators regarding OTT services, relevant to electronic communications markets

The scope of this draft report is to identify and define harmonised metrics regarding OTT services, which are of interest to National Regulatory Authorities (NRAs) in the scope of fulfilling their tasks. The data is considered important for many NRAs and BEREC to ensure conformity with the provisions of, or decisions or opinions adopted under Directive (EU) 2018/1972 (“European Electronic Communications Code”, hereafter EECC) and Regulation (EU) 2018/1971 of the European Parliament and the Council.

Article 2 of the EECC provides the definition of “interpersonal communications services” which coupled with Article 20 of the EECC, gives NRAs the legal basis to collect data from providers of “number independent interpersonal communications services” (hereafter NI-ICS). Moreover, Article 20 also provides the legal basis to request data from undertakings which are not active in the electronic communication services or networks but are still operating in closely related sectors, insofar these requests are substantiated and proportionate.

BEREC’s intention with this report is neither to impose on NRAs the obligation to collect data from OTT providers, nor to instruct NRAs on the scope and frequency of such data collections. Rather, the report provides harmonized definitions of a limited number of indicators, identified as relevant by many NRAs in order to make it easier for the service providers to report data. Therefore, it should be noted that the final indicators included in this report may not cover all of NRAs’ informational needs, as national specificities may imply that some NRAs have extended requirements.

Since 2019, BEREC has engaged in an ongoing dialogue with stakeholders to identify and define relevant indicators that would assist NRAs in their regulatory tasks and that would be feasible to provide and proportionate to request. With this public consultation BEREC undergoes a last call for feedback before the final report is approved and published later in the year (expected approval by October 2021).

The document has the following structure:

- a) Chapter 1 sets out the introduction;
- b) Chapter 2 focuses on number-independent interpersonal communications services and outlines the definitions and metrics relevant to these services. This section also discusses possible caveats and potential proxies to be used in certain cases;
- c) Chapter 3 defines the video-streaming services which are of interest to NRAs and provides related indicators’ definitions and metrics. **BEREC would particularly welcome responses to questions i) to iv) regarding data traffic indicators (subsection 3.2.1.5)**
- d) Chapter 4 provides the relevant legal considerations;
- e) Chapter 5 concludes;

- f) Annex 1 provides the list of indicators proposed;
- g) For further reference, Annex 2 contains the invitation to BEREC's Virtual Workshop on Harmonized Data Collection regarding Number Independent Interpersonal Communications Services and Video-streaming Services, which took place on 19 November 2020. Annex 3 provides the corresponding list of participants.

To this end, stakeholders (NI-ICS providers, video-streaming providers, electronic communication service and/or network providers and other stakeholders) are invited to comment and provide their views on the different chapters of the Draft Report following its structure.

Practical details of the public consultation

In accordance with the BEREC policy on public consultations, BEREC will publish a summary of all received contributions, respecting confidentiality requests.

The public consultation will run from **16 of March until 21 of April 2021**.

All stakeholders are invited to submit their contributions to the following e-mail address: PC_BEREC_OTT_Report@berec.europa.eu Further enquiries about the consultation may also be submitted to this address.

The overall size of the e-mail (including attachments) should not be larger than 2 MB.

Important! After submitting the contribution via e-mail, an automatic reply will be generated. If this confirmation e-mail is not received, the submission of the contribution was not successful, and it should be submitted again.

We strongly encourage all stakeholders to submit their contributions as early as possible. **Contributions received after the above-mentioned deadline will not be taken into account.**

Contributions should preferably be sent in English.

In order to facilitate processing of the responses, the comments provided should clearly refer to the certain paragraphs/structure of the document.

All contributions will be published on the BEREC website, taking into account requests for confidentiality and publication of personal data. **Any such requests should clearly indicate which information should be considered confidential.**