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29 July 2022

**Public consultation on the draft BEREC guidelines on Regulation (EU) 2022/612 and Commission Implementing Regulation (EU) 2016/2286 (Retail Roaming Guidelines) replacing BEREC Guidelines published in 2017 (BoR (17) 56).**

Dear sir/madam,

EENA, the European Emergency Number Association, is a non-governmental organisation with the mission to contribute to improving the safety and security of people. Today, the EENA community includes 1500+ emergency services representatives from over 80 countries world-wide, 100+ solution providers, 100+ researchers and 200+ Members of the European Parliament. We are proud to be a platform for everyone involved in the public safety community and to provide a space for collaboration and learning.

EENA welcomes the opportunity to respond to this crucially important public consultation. Continuity of access to emergency services through emergency communications throughout the EU/EEA is essential for citizens travelling between Member States. To achieve this, free of charge access to emergency services and free of charge provision of caller location information to the most appropriate PSAP must be guaranteed.

Our responses are limited to those guidelines where emergency communications are explicitly mentioned but we also include some general comments on other guidelines where we consider there to be a link with emergency communications.

You can find our detailed comments in Annex 1.

Please contact me if you require any information or clarification on our submission and we are available for further collaboration with BEREC on the issues addressed herein.

Yours sincerely,



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Freddie McBride

Director – Digital Communications Policy and Regulation,  
European Emergency Number Association.

## Annex 1 – Detailed Comments

- **Guidelines 3, 4 and 11 (Scope of the Roaming Regulation and application of Roam-Like-At-Home)**

Article 2 (2g) of the Roaming Regulation provides a technology neutral definition for a voice service as a means used by a provider to connect voice telephony calls between end-users. **Guideline 3** notes that VoLTE is also considered a voice call. **Guideline 4** notes that the definition of a “regulated data roaming service”, as defined in Article 2 (2j), applies irrespective of the technology used over a mobile communications network (e.g. GPRS, UMTS, LTE, 5G and any other or future technologies). EENA notes that VoLTE requires a data connection and, by extension, the provision of a VoLTE service for a roaming end-user requires a data roaming service.

**Guideline 11** then discusses how networks which may have different generations of technology available can interact to provide regulated services for roaming end-users. In particular, it discusses the transition to next generation mobile communications networks and technologies, where the implementation of those networks and technologies by the roaming provider and the visited network operator are not comparable.

With regard to the issues addressed in the abovementioned guidelines, EENA would like to bring to BEREC’s attention what this means for access to emergency services through emergency communications going forward.

At the moment in Europe, VoLTE services are widely available and, in parallel, legacy mobile network technologies (i.e. 2G/3G networks) are also still widely available. 2G/3G networks are relied upon in EU/EEA countries for the provision of voice access to emergency services (referred to as circuit-switched fallback - CSFB). So even if there are differences in the network technology generations deployed by roaming providers and visited networks, voice access to emergency services can still be guaranteed for roaming end-users.

As 2G and 3G networks are phased out, a transition to VoLTE for access to emergency services will need to take place. This transition is not without its challenges and, according to [recent media reports](#), European end-users are experiencing this first hand in the United States (US) at the moment. Some mobile networks in the US have phased out 2G/3G networks and some European end-users are not offered a VoLTE service of any kind by these visited networks due to compatibility/interoperability issues between networks and handsets.

This problem could seriously harm the electronic communications market and put at risk the safety of its customers. It is therefore necessary that MNOs, MVNOs, handset and chipsets manufacturers, standardisation bodies, national governments and competent public authorities work together to address this problem and ensure compatibility and interoperability of VoLTE services between all networks and VoLTE-capable devices.

Until this problem is addressed and resolved, EENA strongly believes that any plans for phasing out of 2G and 3G networks in European countries should be reviewed to take account of the impact on continuity of access to emergency services. Otherwise lives will unnecessarily be put at risk.

If 2G/3G networks are phased out in Europe and a similar situation occurs as is currently being experienced in the US BY European roamers, EENA considers that this would be a breach of the Roaming Regulations and of Article 109 of [Directive \(EU\) 2018/1972](#) (European Electronic Communications Code) where access to emergency services through emergency communications is enshrined as a requirement on electronic communications service providers and a right of all end-users.

- **Guidelines 18-75 (Fair Use)**

EENA fully understands the need to have fair use policies as set out Guidelines 18-75. However, EENA would like to draw attention to **Guidelines 34 and 36** where long inactivity of a given SIM card associated with use mostly, if not exclusively, while roaming is considered an objective indicator of unfair use. EENA would respectfully ask BEREC to stipulate here that access to emergency services from such a SIM card shall still be possible and indeed such access shall be exempted from the application of any fair use policies in this regard.

- **Guidelines 105 and 106 on charges for emergency services**

EENA welcomes the reference to Article 109 of [Directive \(EU\) 2018/1972](#) in **Guideline 105** and, in particular, that it explicitly states that access to emergency services should be free-of-charge and the provision of caller location information should also be free-of-charge. With respect to caller location information derived from the roaming end-user's handset, the standardised methods of transmission currently implemented for the provision of such information are by SMS, and by HTTPS, as specified in [ETSI TS 103 625](#). This is in accordance with [guidelines](#) provided by the European Commission to notified bodies in charge of radio equipment compliance with [Directive 2014/53/EU](#) (Radio Equipment Directive). Therefore, SMS and HTTPS (which requires a data connection) transmission of handset-derived caller location information must be provided free-of-charge to meet the requirements of the Roaming Regulations.

In addition, where an SMS-to-112 service is available in a Member State and is appropriate for use by roaming customers, it shall also be free-of-charge to roaming end-users. Such services are considered as alternative means of access to emergency services through emergency communications, in particular for end-users with disabilities, as noted in **Guideline 106**. Other means of alternative access to emergency services should also be free-of-charge to roaming end-users such as the use of Real time text (RTT) and Total Conversation where available. RTT and Total Conversation are defined in [Directive \(EU\) 2019/882](#) (European Accessibility Act – Article 3 (9) and (14)).

- **Guideline 120, 121, 125, 129, 132, 133 and 146 (Automatic Messages)**

EENA agrees fully with these guidelines which emphasise that the provision of information on emergency communications shall be free-of-charge to roaming end-users (**Guideline 120**), that there is a specific requirement for the provision of such information to roaming end-users with disabilities (**Guideline 121**) and that a provision has been made for roaming end-users utilising laptops with dongles or similar devices (**Guideline 125**). It is important that information on the available means of access to emergency services is communicated as far and as wide as possible to roaming end-users.

EENA welcomes **Guideline 128** which prohibits end-users to opt-out from automatic messages providing information about emergency communications and public warning mobile applications (when relevant). EENA also welcomes that information about the possibility of accessing the emergency services by dialling 112 free of charge (only within the Union) remains in this update of the guidelines (**Guideline 129**). EENA also considers that roaming end-users should be able to dial all national emergency numbers free-of-charge in any Member State they are visiting in addition to 112.

**Guideline 132** is a notably important guideline for ensuring that end-users with disabilities can access emergency services particularly where the means of access for such end-users diverges across Member States by indicating those means of access that are technically feasible to roaming end-users.

**Guidelines 133** states that, if a public warning mobile application for the receipt of public warnings is reported in the database for a Member State under Article 16, the automatic message received in that Member State should indicate that the application enabling the receipt of public warnings may be downloaded from the link provided to the webpage. EENA welcomes the provision of such information but strongly considers the use of mobile applications to be a complementary rather than a primary channel for enabling the receipt of public warning alerts as the need to download and configure an app is a significant barrier to achieving adequate levels of coverage and capacity pursuant to article 110(2) of [Directive \(EU\) 2018/1972](#). EENA would advise all Member States to adopt SMS and cell broadcasting technologies as primary channels for the dissemination of public warning alerts.

EENA welcomes **Guideline 146** requiring all roaming providers' websites, as of 01 June 2023, to contain information on alternative means of access to emergency services in the visited Member States. Moreover, given the divergence in methods of access that currently exist, the requirement to indicate only those means of access that are technically feasible, as included in the BEREC database established pursuant to Article 16 (1) subparagraph (b) of the Roaming Regulation as well as information about the use of public warning systems, is vitally important. EENA would like to reiterate its consideration and advice, provided in relation to Guideline 133, on the use of mobile applications for enabling the receipt of public warning alerts.

- **Guideline 189 - Machine-to-machine (M2M) communications**

EENA considers it extremely important that **Guideline 189** explicitly states that M2M communications are not excluded from the Roaming Regulations. As technology continues to develop, some devices, applications and innovative M2M services may have a capability to contact emergency services, using a voice or data connection, on behalf of an end-user. It is essential that equal treatment (i.e. free-of-charge access and free-of-charge provision of caller location information) is available for those devices relying on roaming services. BEREC notes that it is common for such devices to be used on a permanent roaming basis and EENA would further note that the eCall service, mandatory in all new type passenger vehicles in the EU since 01 April 2018 (in accordance with [Regulation \(EU\) 2015/758](#)) also relies predominantly on devices used on a permanent roaming basis. It is essential that the eCall service is not hindered in anyway through the application of surcharges or restrictions by any networks the service relies on. Otherwise, it would be deemed a breach of the Roaming Regulations and of Article 109 of Directive (EU) 2018/1972 (European Electronic Communications Code) where access to emergency services through emergency communications is enshrined as a requirement on electronic communications service providers and a right of all end-users.