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29 July 2022

## Public Consultation on the draft BEREC Report on measures for ensuring equivalence of access and choice for disabled end-users

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 public consultation. EENA notes that this draft report follows on from three previous reports published in 2011, 2015 and 2018 and considers it a timely publication given the entry into force, and ongoing transposition, of two key pieces of legislation, namely, [Directive \(EU\) 2018/1972](#) (European Electronic Communications Code) and [Directive \(EU\) 2019/882](#) (European Accessibility Act).

According to the European Commission's Strategy for the Rights of Persons with Disabilities (2021-2030)<sup>1</sup>, 87 million people, or the equivalent of 1 in 4 adults, have some form of disability. Having a disability introduces challenges in everyday life and having accessible products and services levels the playing field for disabled citizens to participate fully in economic and social activity.

Importantly, and as stated in the report, the updated legislation recognises that accessibility is a "general" rather than a "specific" objective. Equivalence of access should therefore be taken into account at the outset when designing products and services including electronic communications services. EENA wholeheartedly supports this objective.

Our specific comments on the draft Report are set out below:

- **Implementation of EECC Article 109**

EENA notes from the draft Report that 15 countries have reported implementation of the relevant provisions of EECC Article 109 and that, without any specific link to Article 109,

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<sup>1</sup> <https://ec.europa.eu/social/BlobServlet?docId=23707&langId=en>

20 countries have implemented specific measures to ensure access to emergency services for end-users with disabilities. EENA considers progress in this regard as disappointing and would encourage all Member States to prioritise the full implementation of these provisions as soon as possible while taking due account of measures set out in [Directive \(EU\) 2019/882](#) (European Accessibility Act) which must be effectively applied by 28 June 2027<sup>2</sup>.

When implementing the provisions of EEC Article 109, EENA would like to draw attention to the requirement of equivalent access as referred to in paragraph 5. EENA considers that currently there is a lack of a common understanding of the meaning of equivalence. For EENA, the term equivalence in this regard means to be able to access emergency services in a way “functionally equivalent” to the access enjoyed by other end-users through electronic communication services by way of calling the ‘112’ number. Consequently, in terms of national transposition and implementation, the legal and functional requirements for voice calls to ‘112’ have to be met in order for a means of emergency communications to be considered equivalent with regards a specific type of disability.

Therefore the means of access must be free-of-charge, ensure two-way interactive communication, have no requirement for pre-registration and must be answered and handled appropriately and effectively. It must also guarantee the provision of caller location information and have a high level of awareness amongst those end-users communities who may need to use it. EENA is available to BEREC, and other key stakeholders, to discuss and collaborate on improving understanding of the equivalence requirement in the context of access to emergency services through emergency communications.

- **Implementation of EEC Article 110 – Public Warning System (PWS)**

EENA notes that the report does not cover the implementation of EEC Article 110 in the Member States. This article requires that, by 21 June 2022, Member States shall ensure that, when PWS regarding imminent or developing major emergencies and disasters are in place, public warnings are transmitted by providers of mobile number-based interpersonal communications services to the end-users concerned. BEREC’s guidelines on how to assess the effectiveness of PWS transmitted by different means (BoR (20) 115<sup>3</sup>) considers that competent authorities should take into account the user experience for end-users with disabilities when considering PWS provided by mobile number-based interpersonal communications service providers. It would be beneficial for relevant stakeholders to have information on how the Member States took this guideline into account when implementing PWS. EENA would respectfully request BEREC to keep this in mind for any future reports on equivalence of access and choice for disabled end-users.

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<sup>2</sup> According to the European Accessibility Act, real time text and, where video is available, total conversation shall be deployed by ECS providers by 28 June 2025. Member States will have to ensure that by 28 June 2027 at the latest, the PSAP systems handle emergency communications based on real time text and, where video is available, total conversation to the single European emergency number ‘112’.

<sup>3</sup> [https://www.berec.europa.eu/sites/default/files/files/document\\_register\\_store/2020/6/BoR\\_%2820%29\\_115\\_BEREC\\_Guidelines\\_on\\_PWS.pdf](https://www.berec.europa.eu/sites/default/files/files/document_register_store/2020/6/BoR_%2820%29_115_BEREC_Guidelines_on_PWS.pdf)

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.