



GSMA response to BEREC's public consultation on the Report on measures for ensuring equivalence of access and choice for disabled end-users

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Introduction

The GSMA welcomes the consultation from BEREC on the “Report on measures for ensuring equivalence for access and choice for disabled end-users”. We would like to take this opportunity to provide a few comments mainly to the conclusions of the report.

The GSMA understands that the aim of the report is to primarily collect information from NRAs for the purpose of compiling an inventory of measures and initiatives that NRAs might consider when evaluating any action to be pursued under the terms of relevant legislative provisions. In this regard, it should be noted that several Member States has yet to transpose the Code into national legislation.

As providers of electronic communication networks and services in the EU and beyond, many of the GSMA’s members are already involved in providing products and services to customers with disabilities. We understand that the European Accessibility Act (EAA), Directive (EU) 2019/882, will be applicable by June 2025 and in some cases later subject to decision at Member State level.

In view hereof, we appreciate that the report states that *“In the current context, “equivalence” means that equivalent access to and choice of electronic communications services should be available for end-users with disabilities. Notwithstanding, this may be accomplished by implementing specific solutions for end-users with disabilities which are not necessarily coincident with the ones available to other end-users. “*

European Commission to issue Delegated Acts on the Code’s Art. 109(8)

In relation to ensuring equivalence of access to emergency communication services, it should be brought to BEREC’s attention that the European Commission has tasked the consortium E-MERCURY to carry out a study ahead of the EC’s obligation to issue delegated acts related to the Code’s Article 109(8) at the latest December 21, 2022. This article contains an obligation, amongst others, to ensure the equivalence of access to emergency services for persons with disabilities. We wish to underline this fact to avoid potential duplication of work or proposal of initiatives that run counter to the content in the EC’s Delegated Acts to be published later this year.

Providers of NB-ICS and NI-ICS to be equally considered

It should be emphasised that the requirements of the Code’s Art. 111 to meet specific requirements is applicable on providers of publicly available electronic communication services equivalent to that enjoyed by most end-users. This means that the general application of the EAA falls on providers of number based interpersonal communication services (NB-ICS) as well as number independent interpersonal communication services (NI-ICS). As such, there is a requirement to not only look at the services enjoyed by the majority of users provided by traditional

telecommunication companies of NB-ICS, but equally communication services provided by providers of NI-ICS. The report appears to predominantly lock itself into a view of investigating mainly the potential requirements for NB-ICS. Since, there are many options for solutions when app-based functionalities are considered, this should be further investigated.

Relay services to be standardised at EU level

In line with the ongoing consultation between the industry and the E-MERCURY consortium, our recommendation in relation to relay services is that an application should be standardised at EU level, which could be integrated into operating systems in terminal equipment, to be used in all EU countries on generic broadband internet transport facilities. This is the most viable solution and could respond to the aim for relay services to accommodating the needs of persons with different types of impairments.

It should be noted that operators will only be able to support the use of Real-time text and Total Conversation services for the provision of emergency services when such services are already supported by the operator and made available to its customers. If such solutions are not already available and used for users without disability, it cannot be developed ad-hoc for disabled users due to high costs. We therefore recommend the development of a special application on the Internet.

Further to note, is that the 112 number may not be able to receive SMS given its technical nature. When a specific organisation is already in place in the Member State through other means than 112, it should be preferred. For instances, this service, in France, is complemented by another relay service accessible via SMS to the 114 number, or via a dedicated app that also provides sign-based translation and live captioning.

Accessibility solutions to emergency communication services when in roaming

In relation to accessibility solutions to emergency services for domestic and travelling end-users with disabilities, there are today several challenges which have also been raised towards the E-MERCURY Consortium. In this regard, we would like to highlight that routing of calls from an OTT mobile app should not be ruled out. We would, however, recommend that BEREC awaits the output from this work.

Costs

Finally, it should be considered that the costs for the new measures to be implemented should not be only and fully covered by operators.