



# **ecta RESPONSE**

**TO THE PUBLIC CONSULTATION BY BEREC  
ON THE**

**REPORT ON MEASURES FOR ENSURING  
EQUIVALENCE OF ACCESS AND CHOICE FOR  
DISABLED END-USERS**

**BoR (22) 90**

**15 August 2022**

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## Introduction

1. **ecta**, the **European Competitive Telecommunications Association**,<sup>1</sup> welcomes the opportunity to comment briefly on BEREC's Report on measures for ensuring equivalence of access and choice for disabled end-users - BoR (22) 90 (hereafter 'the BEREC Report').
2. **ecta** represents those alternative operators who, relying on the pro-competitive EU legal framework that has created a free market for electronic communications, have helped overcome national monopolies to give EU citizens, businesses and public administrations quality and choice at affordable prices. **ecta** represents at large those operators who are driving the development of an accessible Gigabit society, who represent significant investments in fixed, mobile and fixed wireless access networks that qualify as Very High Capacity Networks and who demonstrate unique innovation capabilities.

## Brief Comments

3. Having carefully studied the elements contained in the BEREC Report, **ecta considers that it contains a worthwhile factual overview of the legislation and regulatory measures introduced in EU Member States, and the state of their implementation. ecta takes note and does not put forward any specific proposed amendment.**
4. However, **ecta** would like to take this opportunity to briefly underline the following.
5. The BEREC Report would be more valuable if it would not only consist of a factual overview, but also identified relevant best practices, systematically taking into account at least three dimensions:
  - a) The effectiveness of measures in terms of successfully delivering equivalence of access to disabled end-users. In practical terms: what works very well, what works satisfactorily, and what does not work so well.
  - b) The ways of delivering choice to those end-users. In practical terms: an assessment of placing obligations on all operators, on a subset of operators, or on one operator, or selecting a specialist (third party) provider, and the role of wholesaling solutions, etc.
  - c) And in both those contexts, the need to minimize financial and implementation burdens on operators, having regard to the different types (e.g. those focusing on consumer markets vs. those addressing business customers, those providing services on retail markets vs. operators that do not) and the different sizes of operators.
6. In addition, **ecta** wishes to suggest that BEREC could usefully augment the Report with:
  - a) Details of results of national consultations (if any) that preceded the introduction of a measure, in particular an indication on whether the concerns expressed by operators were addressed, and how.
  - b) Details on the results of implementation monitoring (by NRAs or by other competent authorities or bodies), where available.

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<sup>1</sup> <https://www.ectaportal.com/about-ecta>

- c) Details on the technological availability and state of development of total conversation services.
  - d) Information on international roaming, i.e. the state of the art on ensuring equivalence and choice while travelling, while focusing as well on the technological availability and feasibility of the measures required by the new EU Roaming Regulation.
7. Finally, please allow [ecta](#) to flag a methodological and presentational point, reiterating a request made by [ecta](#) in response to previous BEREC consultations. BEREC's Report combines legislation (incl. transposition of the EECC), regulation, and NRA decisions from EU Member States that are fully subject to the EU regulatory framework, from the EEA countries, and from non-EU Member States, in this case Bosnia and Herzegovina and Montenegro. It is difficult for the reader to understand whether diagrams and summaries contain information from countries that are not EU Member States, and whether conclusions are drawn that may be influenced, potentially disproportionately, by the situation countries that are not EU Member States. [ecta](#) asks BEREC to systematically (in all documents) report separately on EU, EEA and non-EU countries.

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In case of questions or requests for clarification regarding this contribution, BEREC and NRAs are welcome to contact Mr Luc Hindryckx, Director General of [ecta](#) or Ms Pinar Serdengeçti, [ecta](#) Regulation and Competition Affairs Director