



ecta RESPONSE

TO THE PUBLIC CONSULTATION BY BEREC

ON THE

DRAFT BEREC GUIDELINES

DETAILING QUALITY OF SERVICE

PARAMETERS

BoR (23) 179

8 NOVEMBER 2023

Introduction

1. **ecta**, the **European Competitive Telecommunications Association**,¹ welcomes the opportunity to comment on the Draft BEREC Guidelines Detailing Quality of Service Parameters – BoR (23) 179 and to reply to the associated consultation questions.
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 (hereafter ‘VHCN’) and who demonstrate unique innovation capabilities.
3. In relation to the first question, **ecta** believes that the existing Guidelines detailing Quality of Service (QoS) parameters adequately assist stakeholders.

Remarks on the BEREC amendment proposals to the Guidelines currently in force

4. Having assessed both the contents of the Draft BEREC Guidelines Detailing Quality of Service Parameters, with a focus only on the revisions proposed by BEREC vis-à-vis the existing text of the Guidelines², and the question raised by BEREC specifically in the context of this public consultation aimed at collecting the elements that should be further detailed and clarified, **ecta** is convinced that the final text of the Guidelines should be amended on the following points:
 - (i) While **ecta** agrees with BEREC’s proposals for revised references in Table 1A (IAS QoS parameters), **ecta** believes that in order to provide the needed clarity to impacted stakeholders, the measurement method column in Table 1A should report exactly the wording of Section 3.2 of BoR (22) 72 (the currently applicable BEREC Net Neutrality Regulatory Assessment Methodology).
 - (ii) Before Table 2 (QoS parameters not set out in Annex X of the EECC), BEREC should explain the motivations underlying the inclusion of 2 new QoS items (i.e., number of customer complaints per data collection period and data transmission speed) and in particular:
 - a. motivate why their inclusion is relevant for improving the existing BEREC Guidelines (especially the item regarding the number of customer complaints per data collection period without any distinction on the related motivations of those complaints appears not fit for purpose for improving the existing BEREC Guidelines),

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

² Available [here](#)

- b. provide a list of the EU Member States that already include those new items in their parameter set.

ecta believes that this is a crucial element in order to ensure the needed transparency to all impacted stakeholders and at the same time to ensure well-informed decision-making by the NRAs that will consider the new version of the BEREC Guidelines in defining the quality of service parameters in their Member States.

- (iii) ecta notes BEREC’s proposal to amend the Table 3 (QoS parameters relevant for end-users with disabilities), and, to insert, for voice communication and for real-time text, reference to the draft standards under revision. While ecta understands and appreciates the spirit of BEREC in proposing such amendments, for the sake of clarity and legal certainty, ecta believes that ideally the tables should be updated only when the standard’s review is completed, and the final text is approved. In fact, as BEREC specifies in the Draft Guidelines³: *“The standard specifying the quality of service parameters and the relevant measurement methods is ETSI EN 301 549 V3.2.1 (2021-03). It should be noted that this standard is currently under revision following the publication of ETSI TR 103 708 V1.1.1 (2022-08). In the tables below a reference to the changes proposed by ETSI TR 103 708 V1.1.1 (2022-08) is made”*.

- (iv) However, if BEREC prefers to amend the tables with references to draft standards, ecta believes that the final text of the reviewed BEREC Guidelines, in a new paragraph before Table 3, should definitely clarify that:
 - a. BEREC will proceed to issue an updated version of the Guidelines, replacing Table 3 with the final standards as soon as those standards are approved.
 - b. All amendments in this table be applied by the NRAs and the other relevant authorities in collaboration with them, **only starting from 28 June 2025**. In fact, in accordance with the EU Accessibility Act, and as underlined by BEREC in the draft Guidelines themselves⁴, the date by which the Member States should apply the measures required by the Act is 28 June 2025.

Additional ecta remark

- 5. A point of concern, when studying the document produced by BEREC, is the absence of a text with mark-ups, to enable stakeholders to identify, clearly and without errors, the amendments that are proposed by BEREC to the existing BEREC Guidelines. ecta therefore underlines that for future revisions of the Guidelines, and in general for all reviews of the Guideline documents, it would be worthwhile for BEREC to provide a draft with indication in mark-up of the proposed modifications.

³ See point 46, page 20 of the Draft Guidelines.

⁴ See point 45, page 19 of the Draft Guidelines.

* * * * *

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