

## VON Coalition Europe

### Comments on the Telecoms Review – August 2008

The Voice on the Net (VON) Coalition Europe was launched in December 2007 by seven leading Internet communications and technology companies – iBasis, Intel, Google, Microsoft, Rebtel, Skype and Voxbone – to create an authoritative voice for the Internet-enabled communications industry.

#### Key Concerns

VON Europe urges that the following points be taken into account in the consideration of the Communications Reform proposals:

##### PATS definition

***The proposed definition of ‘publicly available telephone services’ (PATS) is too broad and includes too many innovative services that are dissimilar from traditional telephone services.***

PATS regulation should be reserved for those offering a close replacement to traditional retail telephone services where there is a risk of consumer confusion and a high level of protection is justified.

##### Emergency services

***Emergency calling obligations should not be imposed on non-replacement telephony services simply because they allow calls to PSTN telephone numbers.***

There appears to be no consumer expectation that these types of services will permit emergency calling. There is also a **danger** that consumers will depend on these services for emergency calling when their reliability cannot be guaranteed because they depend on an underlying network that may not be managed by the Internet voice provider.

##### Access to numbering resources

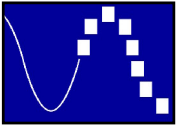
***VON Europe supports increased harmonisation with regard to access to numbering resources.***

Numbers, including geographic numbers, should be eligible to be allocated to service providers and be used by end users outside of the traditional telephone zones or other boundaries, including on a trans-national basis within the EU. VON Europe supports the view that geographical numbers are most suitable to open up VoIP services to the mass consumers as consumers are highly familiar with those types of numbers and end user tariffs are transparent (or at least not less transparent than other types of numbers).

##### Accessibility

VON Europe agrees that Member States should take measures to ensure that PATS services are accessible by disabled end users. However, any such measures must be technology-neutral and non-voluntary measures must only apply to PATS services.

In particular, ***any mandates regarding emergency services access for disabled users must not require the use of particular technologies***. Providers must have the flexibility to offer innovative solutions even if they do not have the ‘look and feel’ of conventional access tools.



**VON Coalition Europe**  
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**Analysis of IMCO & Council Positions on Universal Service Directive**

ARTICLES	
EUROPEAN PARLIAMENT - IMCO	JUNE PRESIDENCY COMPROMISE
<b>Article 2</b> <b>Definitions</b>	
<p>(c) “publicly available telephone service” means a service available to the public for originating <b>and/or</b> receiving, directly or indirectly <del>via carrier selection or pre-selection or resale</del>, national and/or international calls <b>and means of communication specifically intended for disabled users utilising text relay or total conversation services</b> through a number or numbers in a national or international telephone numbering plan;</p>	<p>(c) "publicly available telephone service" means an electronic communications service available to the public for originating and receiving, directly or indirectly <del>via carrier selection or pre-selection or resale</del>, national or national and international voice calls through a number or numbers in a national or international telephone numbering plan;</p>
<p><b>COMMENT:</b> <i>The IMCO text further changes the Commission proposal to make a <b>one-way</b> only service a PATS. You can test some of the application which could be covered by this amended definition on the website of VON US at <a href="http://www.vonplus.org/IP-TO-PSTN.htm">http://www.vonplus.org/IP-TO-PSTN.htm</a>. To give an extreme illustration, the application that allows X-box players to talk to each other or order a pizza using Voice over IP through their X-box could be considered as falling under this revised PATS amendment. As a consequence, access to emergency services (112) would have to be offered through X-box. Aside from the technical hurdles this would represent, scandinavian studies have demonstrated that giving access to emergency services through a « gaming toy » used to a large extent by young people dramatically increases the number of « false emergency calls ».</i></p> <p><i>VON considers that PATS regulation should be reserved for those offering a close replacement to traditional retail telephone services where there is a risk of consumer confusion and a high level of protection is justified.</i></p> <p><b>We therefore consider that the PATS definition should only apply to bi-directional services</b> (i.e. originating <b>and</b> receiving) and <b>not to one-way services</b> (i.e. originating <b>and/or</b> receiving). This would actually be in line with the definition of « calls » as set out under art. 2 (e) of the ePrivacy which states : « 'call' means a connection established by means of a publicly available telephone service allowing two-way communication in real time».</p>	

We would also like to draw your attention to the fact that the mention of “text relay...” applications in this definition could be considered as non-technologically neutral. VON Europe agrees that Member States should take measures to ensure that PATS services are accessible by disabled end users. However, any such measures must be technology neutral and in particular, **any mandates regarding emergency services access for disabled users must not require the use of particular technologies**. Providers must have the flexibility to offer innovative solutions even if they do not have the ‘look and feel’ of conventional access tools.

**Article 23**

**Availability of services**

Member States shall take all necessary ~~steps~~ **measures** to ensure the **fullest possible** availability of publicly available telephone services ~~provided over public communications networks~~ in the event of catastrophic network breakdown or in cases of *force majeure*. Member States shall ensure that undertakings providing publicly available telephone services take all ~~reasonable~~ **steps necessary measures** to ensure uninterrupted access to emergency services, **from any place within the territory of the EU**.

Member States shall take appropriate steps to ensure the availability of publicly available telephone services provided over public communications networks in the event of catastrophic network breakdown or in cases of *force majeure*. Member States shall ensure that undertakings providing publicly available telephone services take appropriate steps **with respect to the services that they operate** to ensure uninterrupted access to emergency services, taking into account technical feasibility and the costs of implementation.

**COMMENT:** The IMCO and latest Council texts do not adequately take into account the technical challenges of ensuring network integrity and uninterrupted access to emergency services beyond PSTN telephone services from fixed locations.

**Article 26**

**Emergency services and the single European emergency call number**

**2.** Member States, **in cooperation with national regulatory authorities, emergency services and providers**, shall ensure that undertakings providing **an electronic communications** service for originating national and/or international calls through a number or numbers in a national or international telephone numbering plan provide **reliable** access to emergency services.

2. Member States, in cooperation with the national regulatory authorities, emergency services, network operators and providers, shall ensure that undertakings providing **end-users with an electronic communications** service for originating national ~~and/or~~ **originating national and** international calls through a number or numbers in a national or international telephone numbering plan provide access to emergency services. Undertakings that are independent from public communications networks shall fulfill this obligation as soon as possible following the adoption of appropriate standards for reliability and security. “Click through” services and applications are not subject to this requirement.

**COMMENT:** As noted in our comments to Article 23 above, there are technical challenges to offering access to the emergency services from all electronic communications services, particularly those that are independent from underlying communications networks. As an alternative amendment, the obligation to provide access to emergency services could simply be modified “to the extent technically feasible”.

**5.** Member States shall ensure that caller location information is made available free of charge to ~~authorities handling emergencies for,~~ **and as soon as the emergency call reaches the authority handling the emergency. This shall also apply to all calls to the single European emergency call number "112".**

~~Member States shall require that caller location information is automatically provided as soon as the emergency call reaches the authority dealing with the emergency.~~

5. Member States shall ensure that, **to the extent technically feasible, undertakings concerned make** caller location information is made available free of charge to **the authority handling emergency calls and services as soon as the call reaches that authority. This applies to** ~~for~~ all calls to the single European emergency call number "112". **Member States may extend this obligation to cover also calls to other national emergency numbers. Where undertakings referred to in paragraph 2 wish to claim that providing caller location information is not technically feasible, they shall bear the burden of proving this.**

~~Member States shall require that caller location information is automatically provided as soon as the emergency call reaches the authority dealing with the emergency.~~

***COMMENT:*** *The Council text is preferred to IMCO's adopted text because it recognises that it is not yet technically feasible for caller location information to be supplied by all electronic communications services.*

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