

BEREC Summary Report on the status of internet capacity, regulatory and other measures in light of the Covid-19 crisis

In a joint statement with the European Commission, on 19 March 2020, on how network operators can cope with the increased demand of network capacity, BEREC committed to a special reporting mechanism to ensure regular monitoring of the Internet traffic situation in each Member State, in order to be able to respond swiftly to capacity issues. Furthermore, BEREC is collecting information on other measures implemented by National Regulatory Authorities (NRAs) as well as on other initiatives by public and private parties throughout Europe.

This report focuses on, and summarises, the main updates of an ongoing monthly information gathering exercise, and includes the most recent data provided to BEREC by its constituent NRAs as of 25 August 2020. During the entire reporting period (i.e. since BEREC first published a report on how the Covid-19 crisis is impacting internet capacity etc.), 32¹ NRAs have shared their data about the impact of the crisis on electronic communications networks and the actions taken so far in their respective Member States.

Please refer to the previous iterations of this summary report² for further details on some of the early measures applied by NRAs during the crisis. The summary report will continue to be updated based on regular input from NRAs with the next iteration expected to be released on 2 October 2020.

1. Status of internet capacity

In general, while traffic on fixed and mobile networks have increased during the Covid-19 crisis, no major congestion issues have occurred.

2 NRAs³ have provided updates of substance on the status of internet capacity in their Member State since the previous information gathering exercise (28 July 2020), while 15 NRAs⁴ have explicitly mentioned that either the situation remains stable or there is nothing

¹ The following NRAs have contributed so far to the information gathering exercises: AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, ME, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK.

² The previous iterations of the summary report can be found at:
https://berec.europa.eu/eng/document_register/search/?reference_number=&title=summary+report&contents=&category_id=&date_from=&date_to=&search=1

³ NRAs from the following Member States having provided substantive updates since the previous data gathering exercise: PL, PT.

⁴ NRAs from the following Member States having explicitly mentioned that there were no changes since the previous data gathering exercise: AT, BE, BG, CY, DE, DK, FI, FR, HU, IE, LT, LV, NL, RO, SK.

new to report. Please refer to previous iterations of the internet capacity summary report for further details on some of the early measures applied by NRAs during the crisis.

Key updates since previous report

- *Most operators in PL have reported stabilisation in their overall traffic flow compared to last month*
- *A slight increase in both fixed and mobile internet traffic has been observed this month in PT*

1.1. Network issues raised by NRAs

In general, three phases in the evolution of internet traffic have been observed during the crisis: sharp increase, stabilisation and a decrease from the peak.

The following updates on the status of internet traffic have been reported:

In August, most operators in PL have reported stabilisation in their overall traffic flow compared to the previous month. No traffic exceeding the alert states of telecommunications systems and no significant congestions have been reported by operators to the NRA.

In PT, a slight increase has been observed in August in both fixed and mobile internet traffic. As of 16 August, data traffic was still 41% above the data traffic registered the week before the pandemic was declared.

Both PL and PT inform BEREC that there continues to be no evidence of any breach to the Regulation (EU) 2015/2120.

1.2. Regulatory actions taken

NRAs are monitoring the situation and are collecting data from ISPs and other market players about the status of their networks, but are doing so with different regularity. No NRA has provided new information to be included in this section of the report.

1.3. Actions taken and communication by operators

No NRA has provided new information to be included in this section of the report.

2. Other measures taken by NRAs, public institutions and market players

Key updates since previous report

- *DE and PT reported on the recent actions taken by the NRA and other public bodies*
- *PT reported on the restart of migration process of DTT network*
- *DE, FI, IE, PT and SI provided an update concerning their tracing applications*
- *NL reported that a contract tracing app 'CoronaMelder' has been launched*

2.1. Measures implemented by NRAs

DE reported that there are no issues of exceptional network congestion due to the Covid-19 pandemic. In order to prevent such a situation telecom operators, associations, the NRA and the Ministries in charge are in close exchange. However, due to the temporary exit restrictions or contact bans imposed, authorities were asked to highlight where certain exceptions are needed in order to maintain the functioning of essential areas of public life. BNetzA identified such exceptions for companies in the telecommunications sector. Consequently BNetzA has published a list of companies⁵ that are entrusted with maintaining the functionality of network infrastructures in the telecommunications sector.

PT updated its practical guide that was published in May 2020, to answer the main doubts of consumers, in the current exceptional situation resulting from the Covid-19 pandemic. This new version of the guide includes information regarding the new deadlines foreseen for consumer support measures and how they can demonstrate the drop in household income in order to benefit from temporary suspension options or even cancellation of the contract without penalty⁶. PT has been publishing statistics regarding the use of its measurement tool (NET.mede). The statistics reveal a significant increase in the number of tests on the speed of the Internet access service, both fixed and mobile⁷. PT continues to publish statistics regarding the number of complaints regarding the electronic communications sector. The number of complaints is now decreasing, although in July it was still 94% higher than in the same period last year⁸.

⁵ The list can be found at the following link:

<https://www.bundesnetzagentur.de/DE/Allgemeines/DieBundesnetzagentur/Infrastrukturinfo/Infrastrukturinfo-node.html>

⁶ Link to the information: <https://www.anacom-consumidor.pt/-/covid-19-guia-pratico-da-anacom-para-esclarecimento-de-duvidas-dos-consumidores-foi-atualizado>.

⁷ The last report is available at: <https://www.anacom.pt/render.jsp?contentId=1525921>.

⁸ Detailed information available at: <https://www.anacom-consumidor.pt/-/servicos-de-comunicacoes-em-portugal-reclamacoes-em-julho>.

2.2. Measures implemented by public institutions

PT reported that the Decree-Law no. 51/2020 of August 7 was approved, in order to repeal the exceptional and temporary measures in the electronic communications sector as a response to the Covid-19 disease epidemic introduced by the Decree-Law no. 10-D/2020 of March 23.

2.3. Measures and delays in any pre-planned activities

PT has restarted the migration process of DTT network⁹.

2.4. Measures to monitor the spread of Covid-19

BEREC has asked NRAs if there are any tracing applications/solutions in place in their Member State in order to monitor the spread of Covid-19. Information provided earlier to BEREC is available in the previous iterations of this summary report.

An update on the issue of tracing applications/solutions, as of 25 August, has been provided to BEREC by DE, FI, IE, NL, PT and SI.

DE reported that three initiatives have been rolled out or are in development. The national data protection authority is involved in safeguarding the data protection standards with regard to all three initiatives. The RKI (Robert Koch Institut – a federal institution for safeguarding public health) has launched a mobile application that depends on the voluntary donation of data by end-users. It uses pseudonymised health data for the purpose of symptom detection and checking and recording the geographical spread of the virus. The data may be deleted on request of the end-user within 24 hours. The RKI may only retain anonymised data for scientific purposes. In parallel the ECS-providers are sharing anonymised and aggregated location data with the RKI in order to monitor shifts and directions of mobility and check the extent of compliance of the population with the obligations imposed by the federal states. BEREC already reported in June 2020 that the federal government had released a contact tracing app using pseudonymised data in order to measure the distance between people using Bluetooth in order to enable warning them of coming into contact with people who have Covid-19. The app depends also on voluntary data provision and is based on a decentralised software architecture. Recently the app has been updated. There have been approximately 17.5 million downloads of the app.

FI reported that by the end of August a privacy preserving contact tracing application will be released. The application can be voluntarily used by Finnish mobile subscribers and no personal data will be processed by the app itself.

IE reported that the contact tracing application which was released on 6 July has been downloaded by 1.734 million people by 25 August 2020.

NL reported that on 17 August the Dutch government released its coronavirus contact tracing app 'CoronaMelder' in the App Store and Google Play. The app can be downloaded across

⁹ Detailed information available at: <https://www.anacom.pt/render.jsp?contentId=1558221&languageId=1>.

the country, but at the moment only activated in two provinces. From the start of September, the full service should be available nationwide.

PT reported that a decree-law was approved on 11 August in order to define the entity responsible for data processing and to regulate medical intervention in the tracing app 'STAYAWAY COVID'. The app is now in the final testing phase and will be launched soon¹⁰. The app is designed to preserve the user's anonymity: the data broadcast and received by mobile phones, as well as the data that might be shared online, are random numbers generated by the app, unrelated to the users.

SI reported that the tracing application '#OstaniZdrav' was launched on 17 August for Android users, while the IOS version is expected to be launched by the end of August. The main purpose of the application is to notify users about their contacts with Covid-19 positive persons. All citizens can download the application on a voluntary basis, also Covid-19 positive persons, who receive a code from the epidemiologist, the data about contacts with other users is stored for 14 days. The application calculates a risk rate and notify its user about that.

¹⁰ <https://covid19.min-saude.pt/aplicacao-stayaway-covid-disponivel-em-breve/>.