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SFR

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**SFR's response to the Bercé's public consultation on ensuring
equivalence in access and choice for disabled end-users**

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SFR salutes the Bercé's initiative in launching a public consultation to ensure equivalence in tool and service access and choice for the disabled as an essential first step in defining the best approach to the subject and ensuring that technological innovation will benefit the greatest number. In our view, this consultation is even more important because the new terms of the Universal Service Directive provide for the increasing involvement of NRAs in this area, particularly the possibility for states to demand an assessment of the general need and specific requirements of any measures that might be determined.

The technology boom that we have witnessed over recent years in France and Europe has generally contributed to fostering increasing autonomy for the disabled. However, although innovation generally leads to improvement and progress, certain innovations can create disabilities if they are not properly thought out. Some of the main advances in disabled access have resulted from services created for the mass market rather than specifically designed ones: mobile and fixed telephony services contribute intrinsically to improving access for a significant number of disabled citizens, e.g. enabling people with hearing disabilities to communicate more easily (via texting and e-mail) and to access general information more easily (via the Internet).

SFR made a commitment to make its products and services more accessible back in 1997. For instance, it was the first French operator to offer vocalisation on its mobile phones and, in 2010, the first European operator to offer the vocalisation of touch-screen webphones to the blind and partially-sighted. SFR works in partnership with several recognised associations that are helping it make progress in this area. Its determination to facilitate disabled access is shared by other mobile operators in the *Association Française des Opérateurs Mobiles* (AfoM), which signed an annually reviewed charter with the French government and the Arcep (electronic communications and postal services regulatory authority) in 2005, when mobile operators made the following commitments (see also the appended document):

1. to offer the most appropriate mobile phones;
2. to develop specific services to foster autonomy;
3. to inform the public about offerings intended for the disabled;
4. to make a long-term commitment to progress.

Also, in the wider setting of the *Fédération Française des Télécommunications*, formed by fixed and mobile operators, SFR is participating in the operation of two pilot backup centres

for people with hearing disabilities in a two-pronged project coordinated by the *Comité Interministériel au Handicap*: emergency calls and local services.

I. Definition

Among other things, the provisions of the revised directives introduce new obligations for fixed and mobile operators in the delivery of mobile and fixed communications services to the disabled, with the aim of providing them with equivalent access, including choice, notably for emergency calls/services. On this basis, **SFR believes that the different types of disability identified by public health services should first be defined precisely, the ideal then being able to segment by user profile and age bracket in consultation with the medical profession and representative charities in order to identify the specific needs of each group**: the dividing lines between disability, old age and illness need to be more clearly identified because they seem to overlap.

II. Economic and technical impacts

Operators are not the only players concerned by the principle of equivalence, so it is important for them not to be the only ones to bear the economic impact. This principle depends on the goodwill of all the parties in the value chain, many of which are global players. For example, SFR, a local operator based in France, has been asking its suppliers, notably certain global manufacturers, to incorporate aid functions in their mobile terminals for its disabled customers since 1995 but so far without success. SFR has therefore pledged, on its own, to supply software programs free of charge to make terminals accessible without any financial consideration from the manufacturers, none of which have ever wanted to sign up to the Afom charter because France represents only a small part of their turnover so specific requests about disability from our country are too marginal to be considered. However, after several years of discussion they realised that disability was a long-term issue in European markets, so in 2009 the MMF (Mobile Manufacturers Forum) decided to build a Web platform listing the mobile characteristics of all global terminals on the basis of disability criteria. Nonetheless, the operators' initial request for the needs of the disabled to be considered from the terminal design phase has still not received the right response, although this is perfectly possible: Apple's first mobile, the 3G iPhone, included free voice synthesis for visually handicapped people and the iPhone4 includes WiFi video software providing HD video for deaf people who use sign language. Incorporating disability criteria from the

product/service design phase in this way is one of the keys to applying the principle of equivalence.

In the same way that disability issues cross sectors, they must be dealt with across every level of the company concerned. The technical impact may take many forms, entailing significant costs that will be even higher if they are not taken into account upstream.

III. Competition

In France, disability is currently treated as a non-competitive issue within professional bodies in close coordination with the authorities and representative charities (i.e. dealt with individually by each operator). Implementing the principle of equivalence may entail very significant additional costs and have a serious economic impact on operators, so it may not be possible to implement it free of charge in the same way as basic accessibility has been until now. In any event, it would not be fair for the operators to have to bear all the costs.

IV. Developing products and service for the disabled

SFR is currently unable to count the number of customers with disabilities. Apart from the identification of disabilities for which solutions must be found, these customers cannot be identified for ethical and privacy reasons, so before anything else, discussions should be held by all the parties concerned in order to identify the types of disability to be catered for, any legal obstacles to catering for them and the appropriate solutions.

V. Outlook and proposals

French operators are already planning to sign another charter for the accessibility of fixed/ADSL services including new specific commitments for these activities, which supposes that all the major players in the electronic communications ecosystem come together and seek appropriate, lasting solutions together. A European consortium could therefore be created, possibly under the auspices of the European Commission, in order to ensure that the implementation of the disability directives also involves the manufacturers and other global players operating in Europe like Google, Apple and TomTom. On this point, the new provisions of the European framework, by merely calling on the member states to encourage

“the availability of terminal equipment offering the necessary services and functions”¹ may not be sufficient to achieve the desired aim, as there is no mention of the players concerned or of any effective powers that the member states may have in this respect. Dialogue at the very highest European executive level seems essential to be sure that the issues are dealt with at the right time and place (terminal functions, development of appropriate software programs, etc).

Conclusion

The notion of equivalent access, which is still vague and hard to measure, must be explained and developed, as it will be hard enough to cover every type of disability and provide an appropriate solution for each need. In fact, this will be impossible if only electronic communications operators are involved **because making the communications solutions supplied accessible to the greatest number will be possible only if all the players in the value chain (suppliers of standard/dedicated terminals and services, content/software publishers, etc) and the authorities take part and propose appropriate solutions for the aims to be achieved.** In return, SFR and other operators and players in the sector, starting with the identification of the existing solutions and then identifying people’s precise needs according to the type of disability, could identify the specific impacts of implementing the principle of equivalence according to their activities and the outlook (home automation, home care services, transport, machine-to-machine, etc).

Finally, we believe that a European dynamic could be created by inviting companies in the sector and all the players concerned to submit equivalence projects. This could usefully be included in the 2010-20 European disability strategy. The development of a genuine ecosystem could also be a value creation opportunity, energising the recruitment of disabled people for new posts (e.g. disability product manager) with operators and the other players concerned.

1) Cf. Article 23a paragraph 2 of the Universal Service Directive.