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**AT&T Comments on BEREC's Draft Guidelines for the Notification Template  
BoR (19) 113**

28 August 2019

**Introduction**

AT&T Inc., and its affiliates that provide communications services to, from and within Europe (collectively "AT&T"), are pleased to comment BEREC's public consultation on its draft Guidelines for the notification template pursuant to article 12, paragraph 4 of the European Electronic Communications Code (EECC)<sup>1</sup> ("the Consultation").

As a provider of electronic communications services (ECS) in 29 EEA Member States, AT&T has for a long time advocated for more streamlined and harmonised notification arrangements for ECS and electronic communications network (ECN) providers operating across the Single Market.<sup>2</sup> AT&T therefore welcomes the changes introduced by Article 12 of the EECC. This Directive now provides that Member States shall not impose any additional or separate notification requirements and sets out the widest range of information that NRAs or other competent authorities can legitimately require from ECN/ECS providers within a notification form. It will be important for each NRA to review and amend any current practices which exceed the limits set out in the Directive. AT&T believes BEREC's proposed template implements the spirit of Article 12 of the EECC and will contribute to more consistent and simplified notification arrangements across the EU/EEA. AT&T is pleased to offer the following comments on the questions raised in the Consultation.

**AT&T Answers to Questions**

1. **Do you think that the items covered by Table 1 on the purpose of the notification are sufficiently clear and exhaustive?**

Yes

2. **Item 1.2 intends to capture only changes occurred in terms of networks and services to be provided and relevant commencement dates; other changes concerning a previous notification would fall under item 1.3. Do you think this is sufficiently clear?**

AT&T agrees that the 4 categories – new notification, change to notification, change of contact/identification details and notification of termination of activity – are sufficiently clear.

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<sup>1</sup> Directive 2018/1972

<sup>2</sup> See, e.g., AT&T's 2011 paper *Removing Administrative Barriers from Business Communications Service Providers - AT&T Recommendations to BEREC* available at: <https://attglobalpolicy.com/wp-content/uploads/2011/03/2011-02-Removing-Administrative-Barriers-from-Business-Communications-Service-Providers.pdf>

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AT&T recommends that BEREC require that notification of changes or termination should be able to cite a reference to the original notification and a new item 1.5, Reference of Original Notification, could be added for this purpose.

**3. Do you think that other purposes of a notification should be covered in the template?**

No. AT&T also recommends that the Annexes section of the template should be deleted. This section currently states that “In compliance with Article 12, Member States may use Annexes to ask for additional information needed to comply with national legislation.” Since the main body of the template already covers the exhaustive list of information that can be required from operators when beginning their provision of ECN/ECS and Article 12 explicitly states that “Member States shall not impose any additional or separate notification requirements”, there is no justification for a placeholder for requiring additional information.

**4. Table 2 bears a set of information necessary to identify undertakings in the market. Please elaborate your views on the nature and level of detail of information in Table 2.**

AT&T agrees that Table 2 includes enough elements to identify undertakings in the market.

**5. Table 3 bears the notifying undertaking’s contact person details. Please elaborate your views on the nature and level of detail of information in Table 3.**

According to Table 3, row 3.1, the named contact person should be “someone holding the legal rights to submit any kind of notifications or documents on behalf of the company”. AT&T suggest that this should be amended to refer to “someone duly authorised by the undertaking to submit notifications on its behalf”.

**6. Does the taxonomy proposed in columns 1 and 2 of Table 4 is sufficiently general, covering at the same time all market situations? Would you suggest a different macro-categorization of electronic communications networks and services, with a view to facilitating market entry, at the same time allowing undertakings to provide enough information on the activity to be launched? Have you got any other suggestions concerning Table 4?**

AT&T believes the taxonomy in columns 1 and 2 is sufficiently general. However, in terms of design, we would recommend that the Table be split into two halves, covering networks and services sequentially, rather than having these on the same horizontal plane. For example, submarine cables and roaming services are currently shown side by side, which is confusing. AT&T also recommends that a footnote be added to column 11 (Termination Date) to clarify that this needs to be completed only when notifying that a previously notified activity has been ceased and a Termination Date is not required when notifying commencement of provision of networks and/or services

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7. The EECC requires BEREC to maintain a database of the notifications transmitted by undertakings to national competent authorities; since notifications, at least for national operators, will have to be submitted in national language, have you got any suggestions on how an EU database could be set up and automatic translations of national notifications into English ensured?

Market players could be invited (but not compelled) to submit accompanying courtesy English translations when filing notifications where a language other than English is required. Some NRAs already provide English versions of their current notification templates.

8. What would you suggest in order to ensure that the EU database be as useful as possible? Should it be public? What key features should it have?

AT&T believes that the EU database should be publicly available but should only contain the name, address, country where the ECN/ECS is provided; an indication of whether an ECS, an ECN or both are provided; and the registration numbers (provided under Table 2.2) of the notified undertaking. Details of the nominated contact person should not form part of a publicly available database.

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AT&T would be pleased to answer any questions concerning these comments.

**AT&T**

28 August 2019