



## **GSMA response to BEREC Consultation on BEREC draft Guidelines for the notification template**

July 2019

The GSMA association, which represents the interests of telecoms operators worldwide, welcomes the opportunity to comment on BEREC's draft Guidelines for the notification template pursuant to article 12, paragraph 4 of the European Electronic Communications Code (Directive 2018/1972). We hope the following comments can serve as a constructive contribution to BEREC's deliberations on its draft.

**Q5. 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".

This feels overly restrictive – whilst some companies may wish their named contact person to be someone with the "legal right to submit notifications or documents on behalf of the company", this should not become a legal requirement. We would also query why BEREC considers that companies should provide information on the role of any alternative contact person (cf Table 3, row 3.6) – we do not think this should become a legal requirement.

**Q6. 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?**

We note that companies would be required to provide a termination date for any notified network or service (see Table 4, column 11). In practice, however, we assume that operators very rarely launch a network or service with an end date in mind. We would therefore question whether a requirement to provide a termination date is necessary.

**Q8. 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?**

In our view, the EU database should only contain company names, addresses, countries of incorporation and (national) registration numbers. We welcome the decision for the EU database to be made publicly available, so long as the information it reveals is limited to the aforementioned data points. We would not want the EU database to reveal – publicly – the name (or contact details) of the nominated contact person, to avoid the risk of information misuse.