

Introduction

NOS welcomes the opportunity to provide comments to BEREC's *draft guidelines on common approaches to the identification of the network termination point in different network technologies*.

This position focuses mostly on general concerns regarding the path taken by BEREC in drafting these guidelines.

In fact, we discern a general direction in the drafted document that exceeds the mandate explicit in the European Code, which should hopefully be revisited and refocused to its original mandate, following this consultation.

General Comment

The guidelines now in consultation are framed by article 61(7) of the European Electronics Communications Code (EECC), in that: *by 21 June 2020 in order to contribute to a consistent definition of the location of network termination points by national regulatory authorities, BEREC shall, after consulting stakeholders and in close cooperation with the Commission, adopt guidelines on common approaches to the identification of the network termination point in different network topologies. National regulatory authorities shall take utmost account of those guidelines when defining the location of network termination points.*

Network Termination Points (NTP) are defined in article 2(9) as *the physical point at which an end-user is provided with access to a public electronic communications network, and which, in the case of networks involving switching or routing, is identified by means of a specific network address, which may be linked to an end-user's number or name;*

As we interpret it, these common approaches *to the identification of the network termination point in different network topologies* should have a technical approach and entail an analysis of the technical specifications underlying regulatory intervention.

Given that, it was to be expected a detailed analysis of the specificities and differences between the available network topologies, as well as the approach to be taken in each one of them, based on technical criteria.

Instead, the drafted guidelines wander outside this scope and introduce considerations based on the TTE Directive (Directive 2008/63/EC) and the TSM regulation (Regulation 2015/2120), introducing sources of variability resulting from the impact on the Telecommunications Terminal Equipment (TTE) market, the interoperability between TTE and the public network, Network Security, Data protection and Local traffic configurations, etc.

Although not without relevance, and in some cases meriting specific regulatory approaches, these variables go beyond the scope derived from the EECC dispositions.

Indeed, this broader spectrum of criteria not only risks the implementation of NTP definitions that go well beyond the technical meaning given by the EECC, but also risks an European configuration which will be far from an intended *common approach*.