



GSMA / ETNO response to the BEREC public consultation on the Draft BEREC Guidelines detailing Quality of Service Parameters

5 December 2019

The GSMA and ETNO associations, which represents the interests of telecoms operators, welcome the opportunity to comment on BEREC's draft Guidelines detailing Quality of Service parameters¹ (hereafter "Draft Guidelines"). In this document, we set out our views on the Draft Guidelines and respond to BEREC's questions.

General Remarks on the purpose, scope and entry into force of BEREC's Draft Guidelines

The GSMA and ETNO support the preparation of guidelines, by BEREC, detailing QoS parameters where required, as foreseen under article 104 of the European Electronic Communications Code (EECC). This provision requires national regulatory authorities (NRAs) to "*take utmost account*" of BEREC's guidelines when specifying the QoS parameters to be measured, the applicable measurement methods, and the content, form and manner of the information to be published, including possible quality certification mechanisms (using where appropriate, the parameters, definitions and measurement methods set out in Annex X of the EECC). Although Art. 104 includes all ICS, BEREC's draft seems to focus on only number-based ICS. However, many providers of NI ICS run and control extensive networks used for communication. Taking these services into account would also better reflect market developments and consumer needs, e.g. messaging is primary based on NI ICS and SMS is hardly used any longer.

On the purpose of the draft Guidelines

We understand that the purpose of these guidelines is both to increase transparency vis a vis end users and NRAs, and to facilitate comparability across the European Union whilst reducing compliance costs.² In this context, it should be considered that providers of NI ICAS and IAS already fall under exhaustive information requirements, which often overload the average customers. BEREC should take this into consideration and keep a balanced approach, refraining from proposing many additional obligations hardly relevant for most consumers.

¹ BOR (19)189.

² See recital 272 of the European Electronic Communications Code.

On the scope of the draft Guidelines

In paragraph 21 of its Draft Guidelines, BEREC draws a welcome distinction between QoS, quality of experience (QoE) and network performance: *“QoS can be distinguished from quality of experience, as QoS concerns the network and terminal equipment up to the user interface, while QoE focuses on the entire service experience and includes the whole path from user to user including the end user expectation, perception and context of use. (...) Network performance is more limited in scope because it excludes terminal performance”*. Having made this crucial distinction, with which we agree, BEREC goes on to explain that *“for the purpose of the Guidelines, only QoS is taken into consideration”*. Whilst we support the broad lines of this distinction, we believe that BEREC’s proposed definition of QoS fails to recognise that, in all cases, QoS should only concern the network up to the network termination point, not the terminal equipment. A network operator’s obligations under article 104 of the EECC should therefore not extend beyond the network termination point.

BEREC also draws a useful distinction between interpersonal communications services (ICS) and Internet access services (IAS) QoS parameters. Indeed, BEREC explains that *“QoS parameters related to ICS as well as the corresponding measurement methods and certification mechanisms”* are the sole focus of the Draft guidelines. BEREC goes on to explain that *“IAS QoS parameters related to network performance and measurement methods”*, on the other hand, *“are analysed within OI BEREC WG”*.³

On verification, BEREC considers that *“any techniques used for conducting measurements should be made transparent and available for third party verification”*.⁴ We agree with this recommendation, which shall apply also to potential measurements of authorities, as it is the best way to ensure that measurements are conducted in an accurate and objective manner. When verifying the techniques, the limited control of service providers must be fully taken into account. QoS of ICS depends on the platform, networks and servers of the ICS provider but also on the performance of all other networks involved, the customers’ used equipment and some further factors. Accordingly, measured performance does not provide a reliable indication about future performance and providers should not be liable if the measured performance diverges from previous measurements. Otherwise ICS providers could only indicate average QoS data for their ICS service, which is likely to be measured also in the future in average. Business confidentiality must also be preserved, in the context of any third-party verification.

Finally, we welcome the clarification, in BEREC’s Draft Guidelines, that NI ICS and NB ICS providers, who *“cannot know and influence the technical characteristics of interconnected networks and terminal equipment used at the end points of the communication”*⁵, are only subject to article 104 of the EECC in so far as they control parts of the network or have an SLA with a network operator.⁶

On the definition and measurement methods

The vast majority of the definitions and measurement methods set out in the consultation for the QoS parameters refer to existing ETSI standards. Whilst these may be relevant for monitoring QoS for fixed

³ See BEREC’s Draft Guidelines, p.7.

⁴ See BEREC’s Draft Guidelines, p.7.

⁵ See BEREC’s Draft Guidelines, p.9.

⁶ Ibid.

networks, mobile operators and their vendors work to VoLTE/3GPP standards. However, 3GPP measurements are only referred to in a few places. We therefore urge BEREC to carefully assess each measure to ensure an equivalent 3GPP measurement is provided for where that measure is relevant to mobile.

Moreover, where NRAs already set detailed QoS measures based on national standards (for example for billing accuracy) there should not be a presumption that these now need to be replaced with measures within the BEREC guidelines.

On the entry into force of the Draft Guidelines

We note that the EECC requires BEREC to issue its final Guidelines by 21st June 2020. This is accurately reflected in paragraph 6 of BEREC's Draft Guidelines. We would find it helpful if the Draft Guidelines could specify that the final Guidelines will apply from 21st December 2020 onwards, in line with the EECC's transposition date.

The GSMA and ETNO response to BEREC's questions on its Draft Guidelines

Consultation Question 1

1. According to Article 104 of the EECC information required from providers on the quality of their services should be comparable, reliable, user-friendly and up-to-date. Do you believe the parameters and measurement methods in Table 2 are suitable for this purpose? If not, please explain why and the possible changes that could be made to improve the information.

GSMA / ETNO answer:

As BEREC explains, Article 104 of the EECC requires QoS information to be comparable, reliable, user-friendly, as well as up-to-date and it should be interpreted as: comparable between different providers or for different offers, correct and not misleading, easy to understand and regularly updated. Although we agree with the interpretation of such terms proposed in the Guidelines, this broad interpretation does not justify the eventual extension of measurement to extra QoS parameters beyond those established in EECC Annex X.

Comparable and reliable information

This requirement is particularly important where an NRA is planning to publish comparable data on quality of service. Whilst it is reasonable that an NRA will need to measure certain important metrics such as provisioning lead times and fault levels, we would question the value of publishing such data, and are concerned by the reporting, audit and comparability assessment costs and challenges that would arise from this. Other data sources and transparency requirements already provide valuable insights to customers.

In our view, true comparability and reliability of data can only be achieved where:

- i. there is consistency in the structure of operator reports;
- ii. the data is extracted and checked in a comparable way;
- iii. there is an intention to publish data across the industry; and
- iv. the data accurately reflects the operators' performance and takes into account factors outside the latter's control.

However, an approach encompassing the points above could lead to very complex and costly reporting and audit regimes being established, even though there is little or no evidence of end-user interest in the outputs. This understandably can give rise to debates over cost/benefit and, for this reason, we would suggest that, in many cases, it may be more appropriate for NRAs to build their QoS assessment into existing compliance programmes, including the above mentioned criteria as much as possible. With this in mind, we would encourage BEREC to emphasise the importance of the discretion afforded to NRAs as part of this obligation.

User friendly information

We consider that QoS information should also deliver a customer benefit. We would query whether customers will make use of certain types of data, if these are made available – e.g. data sets such as call set up, unsuccessful call ratios, call set up failure probability, call signalling delays, and SMS delivery time. Such information is of no interest for most consumers.

Monitoring of QoS and corrective action

It is appropriate for regulators to monitor QoS performance at a retail and wholesale levels and corrective action should be taken to address poor QoS. However, the limited responsibility of ICS providers also must be taken into account, when it comes to network components which are out of the provider's control, yet they determine the end-user experience. If end-users have justified doubts in the delivered quality of their services, they do have various possibilities to complain (e.g. customer care, out of court dispute settlement) based on their contractual rights.

Frequency of customer complaints

Many NRAs already publish the volume of complaints that customers have raised directly with them. We would be concerned if this was extended to all complaints that were raised with the operators themselves. This is because each operator will define "complaint" differently and a wider interpretation may be better in terms of the customer experience but would look inefficient if published and used for comparison purposes.

New ways to get in touch with customers

More and more, customers are demanding new ways to get in contact with Service providers other than traditional call centres or face-to-face in shops. Customer care for different type of services, not only telecommunications, additional offer e.g. web chat services, easily accessible in real time and avoiding bothering unnecessary delays. Chatbots are becoming more widely used and this trend is expected to continue. Such user-friendly customer care solutions should be further encouraged rather than hinder by detailed reporting requirements. For example, it is uncertain how such parameters as response, frequency or resolution rates could be reliably and comparably measured.

Response time for operator services (Customer Care Services – Help Desk)

While we agree with the measurement indicators suggested by BEREC in the case of assessing customer care, we are concerned that BEREC goes far beyond its mandate based on Art. 104. If the assessment of customer care is considered necessary, it needs to encompass all market players and it is discriminatory to only assess performance of ECS providers that control parts of the network: customer care of number independent services should also be addressed. Finally, BEREC should consider the variety of customer care channels offered to end-users. Offering a variety of different possible touch points for customers – via phone, online, by apps, in the shop etc. – should be appreciated as an end-user friendly approach.

We do not deem the introduction of additional indicators necessary nor appropriate as additional information would bring only marginal added value to the end users to justify the increase of the complexity of the monitoring system and its related costs for the operator.

Successful SMS Ratio and SMS delivery time

The parameters proposed by BEREC seem to be in line with what is already monitored by operators. However, by keeping the focus only on SMS as messaging services, BEREC misses market developments in which the NI ICSD of global players have become the primary used messaging services, not SMS. Therefore, it appears highly inappropriate to impose any further burdens on these services.

OTTs messaging and communications services (Facebook, Whatsapp, Skype, etc.) are increasingly demanded by customers and in the end are replacing traditional voice and text services. BEREC's proposal to go beyond what EECC states seems to be out of focus in the light of new customer habits. More and more, customer experience and perception are relying heavily on external platforms out of control from operators. As such, digging into network parameters does not seem to be the most effective way to measure such kinds of experience.

Therefore, we highly recommend maintaining proportionality when asking for end customers parameters, as it would imply important network developments in order to build an IT system that very likely misses the objectives to track customer experience.

Consultation Question 2

2. According to Article 104 of the EECC information required from providers on the quality of their services and on the measures taken to ensure equivalence in access for end-users with disabilities should be comparable, reliable, user-friendly and up-to-date. Do you believe the parameters and measurement methods in Table 3 are suitable for this purpose? If not, please explain why and the possible changes that could be made to improve the information.

GSMA / ETNO answer:

- Our members are committed to deliver end-users advanced and continuously updated services in terms of performances to ensure that disabled users equally benefit from our services.
- We note the very long list of services ensuring equivalence of access for end users with disabilities (each with their own measurement parameters and methods) in Table 3. We would like the list to better reflect the services that are currently provided by all ICS providers. BEREC should keep in mind that the services listed in Table 3 are possibly not all provided in all Member States.
- We would be concerned if the long list of services (each with their own measurement parameters and methods) set out in Table 3 were to be imposed in every Member State, possibly leading to additional obligations to provide services ensuring equivalence of access for end-users with disabilities, as a result of BERECs Draft Guidelines. Indeed, the operational and financial implementation of such an approach would be highly disproportionate for operators. A more proportionate approach would be to ensure that, in any given Member State, the number of services ensuring equivalence of access for end users with disabilities remains as it is, and that only those services are subject to QoS measurements (unless otherwise required under the EECC).

- The Guidelines should make clear that the QoS measures apply only to those services specifically designed for disabled users.
- Therefore, BEREC should encourage NRAs to carefully evaluate the specific offers for disabled end-users currently available in the market and their technological evolution in the roadmaps before mandating the measurement of any extra QoS parameter.
- BEREC should also encourage NRAs to carefully assess the cost impact of upgrading networks performances before taking any decision. Telecommunication operators should be involved in such assessment process.
- BEREC should also take into account new communication services provided by undertakings without control of the network, which are widely spread in current markets and account for a big part of customers with disabilities ways to communicate to each other. Failing to account for such a major part of the market risks rendering the conclusions misleading and possibly not definitive.

Consultation Question 3

3. Do you agree with the Guidelines outlined above covering Publication of Information? Please provide comments if any?

GSMA / ETNO answer:

- Although we agree on the role given to NRAs, which is to ensure that service providers publish user-friendly information, we would like to remind BEREC that published information provided to costumers is also an area where operators compete between themselves. NRAs should refrain from being too prescriptive on how this information is formatted.
- BEREC should promote an open approach to NRAs concerning new forms of communications to the public. In particular, concerning the formats to address end-users with disabilities, NRAs should consider the advances in modern forms of communication.
- BEREC should remind NRAs that there are costs associated with providing such a complete set of reliable information to the public. The period of update of such information should be established with the involvement of telecommunication operators. In particular, when referring to Recital 271, we recommend a cost assessment of such detailed level of aggregation of information.
- In paragraphs 60 and 61 of the Draft Guidelines, we consider that BEREC's proposals go beyond what is required to ensure that information is made accessible to the broadest group of end-users. In our view, this requirement would be adequately met if operators were to publish the requisite information through one of their own communication channels (e.g. websites), and provide said information to their respective NRAs.

- Moreover, we note an inconsistency between BEREC's recommendation in paragraph 63 of its Draft Guidelines, that "*some consideration of quality of experience indicators shall be included wherever possible*", and BEREC's statement in paragraph 21, that "*for the purpose of the Guidelines, only QoS is taken into consideration*". This inconsistency could be removed through the deletion of paragraph 63.

Consultation Question 4

4. Do you agree with the Guidelines on Quality Certification mechanisms? Please provide comments if any?

GSMA / ETNO answer:

- First of all, as BEREC points out in paragraph 65 of its Draft Guidelines, the EECC does not require Member States, or NRAs, to establish or certify a monitoring mechanism. This is not correct with regard to IAS, which are covered by the Open Internet Regulation and does not foresee an exemption of NRAs' measurement systems.
- Although the BEREC Guidelines recall that quality certification mechanisms are not mandatory, in paragraph 66 of its draft Guidelines, BEREC considers that "*With regard to IAS, Article 4(4) of Regulation (EU) 2015/2120 stipulates that if the NRA provides a monitoring mechanism for IAS implemented for this purpose, it should be considered as a certified monitoring mechanism.*" We question the legal basis of such a shortcut. Beyond IAS, it is in our view crucial that where quality certification mechanisms are in place, these are subject to audit by an independent third party specialised in quality standards.