

5th December 2019

Vodafone Group response to BEREC's public consultation on its draft Guidelines detailing Quality of Service Parameters

Vodafone Group provides a range of mobile services, enabling customers to call, text and access data whether at home or travelling abroad. Our fixed line services include broadband, TV offerings and voice. We offer high speed connectivity through our next generation network (NGN). Vodafone provides other value added services, including our customer IoT proposition "V by Vodafone" (which launched last year), as well as security and insurance products. In Europe, we operate in 13 countries and have 62.4 million mobile contract customers, 17.8 million broadband customers, and 13.7 million TV customers.¹ Vodafone is a registered company under the EU Transparency Register.²

In this document, we set out our views on BEREC's draft Guidelines detailing Quality of Service parameters³ (hereafter "Draft Guidelines") and respond to BEREC's questions on its Draft Guidelines.

1. Vodafone views on the purpose, scope and entry into force of BEREC's Draft Guidelines

As a customer facing business, and Europe's fastest growing broadband provider, it is in Vodafone's interest to deliver an outstanding customer experience. This means putting our customers at the heart of what we do – it is the foundation of our success. Our goal is to be Net Promoter Score (NPS) leader in all our markets, and this includes taking measures to ensure quality of service (QoS) and informing customers on the QoS provided.

In line with the above, Vodafone supports the preparation of guidelines, by BEREC, detailing QoS parameters, 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).

1.1. Purpose of the Draft Guidelines

Vodafone understands 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.⁴

1.2. 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

¹ These figures include VodafoneZiggo, a joint venture with Liberty Global in the Netherlands.

² Our Identification Number is 90142503473-81: For further details, see <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=90142503473-81>

³ BOR (19)189.

⁴ See recital 272 of the European Electronic Communications Code.

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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*".⁵

On verification, BEREC considers that "*any techniques used for conducting measurements should be made transparent and available for third party verification*".⁶ Vodafone agrees with this recommendation, as it is the best way to ensure that measurements are conducted in an accurate and objective manner. 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*"⁷, 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.⁸

1.3. Entry into force of the Draft Guidelines

Vodafone notes 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 though 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.

2. Vodafone response to BEREC's questions on its Draft Guidelines

2.1. Question 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.

Vodafone answer:

As BEREC explains, Article 104 of the EECC requires QoS information to be comparable, reliable, user-friendly and up-to- date.

- **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 already provide valuable insights to customers. In Ireland, for example, the Commission for Communications Regulation (COMREG) already publishes quarterly information on customer complaints that have been raised with it.

In Vodafone's view, true comparability and reliability of data can only be achieved where:

⁵ See BEREC's Draft Guidelines, p.7.

⁶ See BEREC's Draft Guidelines, p.7.

⁷ See BEREC's Draft Guidelines, p.9.

⁸ Ibid.

- 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, takes into account factors outside the latter's control and is directly comparable across published operators and product service categories.

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. With this in mind, we would encourage BEREC to emphasise the importance of the discretion afforded to NRAs as part of this obligation. For example, tests run by an NRA to assess compliance with mobile licence obligations could be designed to include network related tests such as call set up, signalling delays, etc.

- **User friendly information:**

Vodafone considers that QoS information should deliver a customer benefit. The measurement of QoS parameters that are of little or no use to customers should not be mandatory. For instance, there is no evidence that customers will make use of certain types of data including call set up, unsuccessful call ratios, call set up failure probability, call signalling delays, successful SMS ratio and SMS delivery time. Whilst BEREC explains, in paragraph 42 of its Draft Guidelines, that NRA's remain free "*to choose among the QoS parameters listed in Table 1 [i.e. those that are set out in Annex X of the EECC], those that are appropriate, taking into account national circumstances and other factors*", we would encourage BEREC to also specify that NRA's should not require network operators to report on QoS performance for those parameters in which there is little or no evidence of end-user interest, regardless of which Table such parameters are listed in (i.e. Tables 1-3 in BEREC's Draft Guidelines).

- **Monitoring of QoS and corrective action**

Vodafone considers that it is appropriate for regulators to monitor QoS performance at a retail and wholesale level.

2.2. Question 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.

Vodafone answer:

Vodafone notes 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. Such a long list does not accurately reflect the fact that in any given Member State the number of services ensuring equivalence of access for end users with disabilities is less extensive than the number of services listed in Table 3 would suggest.

Vodafone 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, as a result of BEREC's 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). Finally, it is worth noting

that in some Member States, privacy laws may prevent network providers from being able to identify end users with disabilities and this may, in turn, have an impact on the number and types of services which operators are able to provide to such end users.

2.3. Question 3

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

Vodafone answer:

Vodafone considers that BEREC's proposals, in paragraphs 60, 61 and 62 of its Draft Guidelines, 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.

2.4. Question 4

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

Vodafone 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.

In Vodafone's view, it is crucial that where quality certification mechanisms are in place, these are subject to audit by an independent third party specialised in quality standards. However, whilst we agree that information on the measurement methodology and its implementation should be publicly available, we do not support BEREC's proposal, in paragraph 71(3), that the source code of the quality monitoring mechanism should be revealed to the public.