



EDF feedback on BEREC Guidelines detailing Quality of Service Parameters

About EDF

The [European Disability Forum](#) is an umbrella organisation of persons with disabilities that defends the interests of over 100 million Europeans with disabilities. We are a unique platform which brings together representative organisation of persons with disabilities from across Europe. We are run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

Feedback

General comment on the guidelines:

Mainstream accessibility - Quality measurement parameters should set accessibility of services as one of the priority criteria.

Editorial suggestions:

Avoid acronyms, technical terms as much as possible, or make sure to provide clear definitions, explanations when not possible to avoid. This will make the guidelines more accessible and effective for end-users' organisation, especially at national level, which are not always experts on EU law and familiar with terminology.

Consider using gender-neutral language: see for example last sentence of point 24: "However, the NIICS provider cannot [himself themselves](#) make a statement on the QoS as this is outside the area of [his-their](#) influence."

2. Policy principle, legal basis and scope of the BEREC Guidelines

2.1 Policy principle

On paragraph 8, concerning the perception of QoS by end-users, we recommend **including a reference to accessibility**: *"The quality of the service, as well as the quality of the accessibility service provided for end-users with disabilities, can determine whether an electronic communication service provides equal access to end-users with disabilities. For example, quality of audio is crucial for persons who are hard of hearing; interoperability of devices with assistive listening devices, and video quality to enable sign language communication, among others. Verifying this quality along the value chain, in every step for the end-user, is paramount, since lacking one aspect (e.g. lack of qualified interpreters on relay service) will be in detriment of the whole value chain".*

On paragraph 9, we would like to stress that in order to “empowering and protecting end-users”, it is indispensable to draw up clear guidelines avoiding different interpretations, including when it comes to equal access and choice for end-users with disabilities. “Avoiding different interpretations” should also be reflected in this paragraph and/or in in paragraph 10.

2.2 Legal basis

12. More specifically, Article 104(1) of the EECC provides that NRAs in coordination with other competent authorities may require providers of IAS and of **publicly available ICS to publish comprehensive, comparable, reliable, user-friendly and up-to-date information** for end-users on the quality of their services and on measures taken to ensure equivalence in access for end-users with disabilities.

13. According to Recital 260 of the EECC, **end-users should be informed**, *inter alia*, of the different levels of the QoS, conditions for promotions and termination of contracts, applicable tariff plans and tariffs for services subject to particular pricing conditions.

On paragraph 14, we would like to stress that in several EU Member States there is a lack of available information regarding equal access to end-users with disabilities. Therefore, we call BEREC for requiring “publication of such information where it is demonstrated that such information is not effectively available to the public, **including on equal access and choice for end-users with disabilities**”. This is also true for paragraph 15, for example, if there is a connectivity problem for a given relay service.

It is crucial that all information concerning quality of service provision to end-users with disabilities should be publicly available by default, not only per request from NRAs or other competent authorities. Accessibility of this information should also be ensured, otherwise it might not be useful to many end-users with disabilities. This is a vital aspect for ensuring engagement of users and their representing organisations.

2.3 Scope of the BEREC Guidelines

Regarding paragraph 21, we would like to recall point 8 of this document acknowledging that “The QoS, as perceived by the end-user, is a crucial factor for both customers and service providers”. When defining the scope of BEREC guidelines, it should be considered that end-users will in most cases not differentiate between QoE and QoS. For example, if a sign language user calls a video relay service and the interpreter has little interpreting competences, is this a bad service or a bad user experience? Therefore, user surveys results risk not being reflective of the actual QoS (for an end-user it’s not important or not possible to distinguish whether the quality of service was undermined due to interface faults or of network and terminal equipment). BEREC must therefore be extremely cautious as for users the Quality of the Service is inevitably linked with their experience, and this should not be a loophole for providers to avoid their responsibilities, because at the end of the day what really matters is the users’ experience.

As for paragraph 27, guidance by BEREC should be provided in order to harmonize approaches to measuring parameters. Application of several techniques with different criteria will make it difficult to draw comparative conclusions across the market.

We believe that any techniques used for conducting measurements (paragraph 28) **must** be made transparent and available for third-party verification and to end-users at no additional cost, including end-users with disabilities. This will therefore imply that the information made available should be provided in an accessible manner too.

2.3 Scope of the BEREC Guidelines

On paragraph 20, we would like to stress again that when it comes to end-users with disabilities making use of a relay service, this must be included as a parameter of the Quality of the Service, and not only as Quality of Experience. The lack of interpreting services relates to the service, and not to the (non) experience of the user. This can be reflected in the text as follows:

“21. Furthermore, QoS can be distinguished from Quality of Experience (QoE) as QoS concerns the network and terminal equipment up to the user interface. **QoS also includes the assistive equipment and the specific services provided to end-users with disabilities.**”

5. QoS relevant for end-users with disabilities

5.1 Legal basis

EDF welcomes explicit reference to the UN CRPD and noting the relation of EECC and European Accessibility Act.

On paragraph 50, we highlight again that information about equal access to end-users with disabilities needs to be made public by default and not only per request from NRAs. All information should be published in accessible format.

About paragraph 51: **Such distinction between ‘main’ and ‘additional’ parameters is unacceptable for EDF.** It is vital that NRAs make use of QoS indicators in Table 3 (see below) addressing the parameters of end-users with disabilities as those detailed in tables 1 and 2. **This kind of classification of priorities sends the wrong message to national regulators and service providers, and to end-users with disabilities themselves.**

Additionally, this will prevent drawing up realistic conclusions on the quality of electronic communication services to rapidly rising proportion of users for whom accessibility of services is crucial, and therefore assessing changing demand in the market and relevant need for legislative upgrading in the future.

Finally, and more importantly, if these parameters are voluntary to NRAs, the purpose of the European Accessibility Act will be drastically compromised, as it will not ensure interoperability of accessible electronic communications, meaning that some Member States may use, for example, a Real Time Text system not interoperable in other EU countries.

We strongly call BEREC to make these parameters as binding as the rest of the Guidelines.

Table 3 – QoS Parameters for end-users with disabilities

There is a very serious problem in this table. It refers to the EN 301 549 v2.1.2 resulting from Commission [Mandate 554](#), which purpose was twofold: firstly, to update the requirements concerning web accessibility to prove compliance with the [2016 Web Accessibility Directive](#), and secondly, to address the objections made by EDF and other civil society organisations to some other requirements of the EN, particularly, the clauses concerning two-way communication. The result of the first part of the Mandate was is the version 2.1.2 of the EN - referred to in Table 3 of this Guidelines-, whereas the version 3.1.1 addressing all the concerns regarding two-way communication is about to be published.

We recommend BEREC to check [EDF technical comments about the EN 301 549](#) version 1. Most of these technical comments were addressed during the Mandate 554 revision which led to version 3.1.1, for which [there is a draft online](#). On November 26, CEN and CENELEC decided to adopt version 3.1.1 of this EN, and ETSI did so too last September. The EN 301 549 version 3.1.1 will shortly be available online.

Therefore, given that the EN v2.1.2 referenced in Table 3 has still some problematic clauses when it comes to two way communication, and that this is not the most up-to-date version, we recommend not to refer to it.

Having said that, another important aspect to bear in mind is that the Accessibility Act requirements will ensure interoperability of electronic communications, for which harmonised European standards or technical specification will be draw up. It will therefore be important that **BEREC follows closely the developments foreseen by the European Commission when it comes to the harmonised European standards or technical specifications and updates this table accordingly.** This should be reflected in Table 3 as well.

See as follows EDF proposal:

We call on BEREC to include as parameters all of the requirements of:

- **clause 6 ICT with two-way communication of EN 301 549 version 3.1.1;**
- **clause 13 ICT providing relay or emergency service access of EN 301 549 version 3.1.1.**

One of the shortcomings of Table 3 is the lack of the specialised equipment and services for end-users with disabilities, meaning the compatibility with assistive technologies, as well as the provision of relay services. Therefore, we stress the importance of including these in the table as well:

Service	QoS parameters	Definition	Measurement method
Provision of the service through special equipment	Assistive technologies	Provision of Augmentative and Alternative Communication devices to end-users with disabilities who require it to access the ICS	Yes/No Which devices?
Relay services	Relay services	Provision of relay services	Yes/No How much time? Type (video, text, lip reading...)

6. Publication of information

On paragraph 59, there should be clear guidance from BEREC on what ‘regularly’ means.

On paragraph 60, we ask NRAs to oblige service providers to publish information about their services in an accessible manner (which does not mean only “machine-readable”). To do so, they indeed need to follow the accessibility requirements set in Section III of Annex I of the EAA. However, the **reference to ETSI EG 302 952 is incorrect**, as this standard was not

agreed with users' organisations and it does not prove compliance with the EAA requirements. As a provisional guidance they can use the EN 301 549 version 3.1.1 which includes accessibility requirements for web and non-web (digital) documents until the harmonised standards/technical specifications for the EAA have been set out.

Additionally, there is a typo in the following text:

- on the websites (no more than one click from the /homepage) and via mobile applications that are viewable, operable, understandable and robust and meets harmonised standards published in accordance with regulation (EU) No 1025/2012 and Directive 2016/**2102**.

EDF welcomes the highlighting of accessibility in the guidelines. Accessibility should not be subject to conditions, but should be a clear requirement. Further to digital publications, information should be available in printed (including Braille) format, through accessible telephone contact, in persons, by default, or by the very least, when requested.

Annex 3 Benchmarking

Parameters applicable for end-users with disabilities

We regret that majority of NRAs stated that there were no specific QoS parameters for end-users with disabilities, and several of the options shown are outdated. This demonstrated that BEREC has an important role to provide a harmonised and clear guidance in order to ensure mainstreaming of QoS parameters in relation to accessibility of electronic communication. These should be part of core indicators and not as additional, voluntary additions.

In general Annex 3 is very vague in relation to providing quantitative data. Phrasings such as 'many NRA's, 'few complaints' do not give clear indication on even how many NRAs were surveyed. It would be helpful to have clear data with percentage points.

Contact

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