

7 November 2022

Public Consultation on the draft BEREC Work Programme 2023

Dear Sir/Madam,

EENA, the European Emergency Number Association, is a non-governmental organisation with the mission to contribute to improving the safety and security of people. Today, the EENA community includes 1500+ emergency services representatives from over 80 countries world-wide, 100+ solution providers, 100+ researchers and 200+ Members of the European Parliament. We are proud to be a platform for everyone involved in the public safety community and to provide a space for collaboration and learning.

EENA welcomes the opportunity to respond to this public consultation and notes that the objectives of BEREC's work in 2023 will continue to be based on the mandatory tasks stemming from the European Electronic Communications Code (EECC). In this regard, our comments are limited to elements of the work programme related to promoting the interest of the citizens, most notably those related to emergency communications.

Report on practices and challenges of the phasing out of 2G and 3G technology

EENA welcomes BEREC's intention to deliver a report on practices and challenges of the phasing out of 2G and 3G technology. As BEREC is aware, mobile originated emergency communications in the EU remains heavily reliant on falling back to circuit-switched 2G and 3G technology, including for eCall. It is therefore important that the Member States' migration plans to later generations of mobile network technology adequately take into account continuity of access to emergency services, through emergency communications, for all citizens including while roaming. We are also pleased to see that this report will consider coverage issues in rural and remote areas supported by 2G. Given the critical nature of emergency communications, the widest possible geographic coverage is always essential and needs to be maintained as later mobile network technology generations are deployed.

Emerging topics of interest – Draft Delegated Regulation supplementing EECC Article 109

EENA notes that the draft BEREC Work Programme sets out the priorities that the Board of Regulators has identified for 2023 and that these areas may be complemented by other emerging topics of interest during the year. One such emerging topic is the forthcoming Delegated Regulation supplementing EECC Article 109 which must be adopted by 21 December 2022. A [Draft Delegated Regulation](#) was published by the European Commission on 8 August 2022. Article 3 of the Draft provides specific parameters for laying down criteria for the accuracy and reliability of emergency caller location information for both fixed and mobile networks. Recital 7 recognises the need to ensure a harmonised approach.

EECC Article 109(6) requires "*competent regulatory authorities, if necessary after consulting BEREC, to lay down criteria for the accuracy and reliability of the caller location information provided.*" Those criteria represent the minimum levels of accuracy and reliability of caller location information that have to be implemented on the territory of the Member State through network-based and handset-derived technologies.

EENA read with interest [BEREC's Opinion](#) on the Draft Delegated Regulation published on 14 October 2022. The BEREC opinion states that *"harmonisation and standardisation are crucial in order to solve the problems that currently exist in emergency services"*. It further recognises the need for *"a multi-stakeholder approach and interaction with relevant bodies who could provide technical regulatory insights and relevant harmonising tools within Europe"*.

EENA fully understands that, in accordance with the principle of subsidiarity, the European Commission cannot impose the actual parameters of such criteria at EU level. At the same time, it is neither logical nor practical to implement such criteria without some level of coordination or harmonisation between the Member States. Otherwise, 27 different sets of criteria could potentially be established thereby creating a very fragmented regulatory regime in the EU. This scenario would not be in the interest of EU citizens whose personal safety might be better protected in one Member State when compared to another.

The BEREC Opinion highlights that its constituent members have different competencies on this matter and this is well understood. However, the European Commission did recognise the advisory role BEREC could play in Article 109(6) by giving competent regulatory authorities the opportunity to consult BEREC. EENA therefore considers that BEREC could play a leading role in assisting Member States' competent regulatory authorities to coordinate on harmonising the parameters for laying down such criteria.

The Draft Delegated Regulation requires Member States, no later than one year after entry into force of the Delegated Regulation, to report to the Commission on the criteria for the accuracy and reliability of caller location information expressed according to the parameters referred to in Article 3.

Should the current wording of the Draft Delegated Regulation remain unchanged after adoption, EENA would strongly encourage BEREC to complement its priorities for 2023 by considering a new work item to convene and lead a multi-stakeholder working group to inform a BEREC Report, containing guidelines for Member States, on a harmonised set of parameters for accuracy and reliability criteria for emergency caller location information. EENA would be more than happy to participate in this group and assist in any way it can.

Please contact me if you require any information or clarification on our submission and we are available for further collaboration with BEREC on the issues addressed herein.

Yours sincerely,



Freddie McBride

Director – Digital Communications Policy and Regulation,
European Emergency Number Association.