



Public Consultation on the amendment of EETT's Decision 991/4/17-5-2021
"Regulation on General Authorisation" (JO B'2265)

Statement of the Alliance of Telecommunications Terminal Equipment Manufacturers (VTKE)

The VTKE appreciates the opportunity to comment on the amendment of the 'Regulation on General Authorisation'. For reasons of relevance, we will limit ourselves to commenting on Part B ('Amendments concerning the procedure for publishing interfaces and connection to the network termination point for the provision of a fixed service').

The VTKE welcomes the fact that, in addition to the actual definition of the network termination point and in line with Art 5 of Directive 2008/63/EC, EETT plans to provide binding provisions on

- a) the publication by providers of the (technical) characteristics of their network interfaces (network termination point) through which services are offered to subscribers as well as
- b) measures to protect the public electronic communications network and
- c) provisions for the provision of terminal devices by the provider.

Interface specifications have a central importance for effective free choice of terminal equipment

One of the main prerequisites for effective freedom of choice of telecommunication terminal equipment is the unambiguous and binding definition of the network termination point, as is soon to be done by the EETT in regulatory terms.

However, in order for users to be able to make use of this freedom of choice, there must be terminal devices that can be connected to the respective network and used to their full extent. This is where the so-called "interface specifications" come into play. In this regard, recital (10) of Directive 2008/63/EC states:

"To enable users to have access to the terminal equipment of their choice, it is necessary to know and make transparent the characteristics of the interface points of the public network to which the terminal equipment is to be connected. Member States must therefore ensure that the characteristics are published and that users have access to interface points of the public network."

In order to be able to develop and manufacture terminal devices that are interoperable with the respective public telecommunications network and "[t]o be able to market their products manufacturers of terminal equipment must know what technical specifications they must satisfy" (Recital (11) of Directive 2008/63/EC).



With the “Amendments concerning the procedure for publishing interfaces and connection to the network termination point for the provision of a fixed service” EETT plans to make binding provisions regarding the publication of the “characteristics and appropriate network interfaces” by providers. These provisions aim at allowing “the manufacturer to produce equipment which is interoperable with the electronic communications services provided on the provider's network, thus enabling the user to obtain equipment of his choice” (cf. “Subject of the consultation, B., (a)).

In this respect, we welcome the "General Principles of Interface Publication" (1.7.1), which “enable the design of terminal equipment that supports all services provided through the corresponding interface, [...] ensure interoperability with the network for which the interface characteristics are published and [...] ensure the correct operation of the equipment.” (a)).

Interface specifications must be adequate, accurate and complete

Interface specifications must include all technical characteristics – and not only standards – of the network interface to be described. This means that if the provider’s interface at the (passive) network termination point has technical characteristics that go beyond the “common” standards, these must also be described in the interface specification. This is the only way to ensure that manufacturers can develop terminal devices that are interoperable with the provider’s network.

Specifically, interface specifications include for example:

- Hardware specifications (plugs, sockets etc.)
- Industry standards (ETSI, ITU; e.g. ADSL2+ or XGS-PON)
- Network-specific settings (e.g. VLANs, specific settings for QoS, SIP parameters etc.); usually for these settings, industry standards are referenced as well (e.g. mentioning the RFCs involved for VLAN marking, SIP etc.)

Basically, exactly the same is done in other publicly accessible networks, such as water or electricity networks. In electricity networks, for example, the interface is the (wall) socket and the service is 230V/50Hz.

Besides the content as such, it is important for transparency reasons that the interface specifications are published "in a prominent place" on the provider's website – as EETT provides for.

On the draft regulation:

We view several of the planned requirements critically, insofar as we consider them to be prohibitively high hurdles for the free choice of terminal equipment. In general, these prohibitive hurdles make it significantly more difficult and unattractive for users to use their own terminal equipment at the



"connection socket to the line". Ultimately, this leads to the fact that only the use of a terminal device provided by the provider is possible or at least makes sense and thus indirectly supports "obligatory routers".

Also with regard to the development of interface-compliant and thus interoperable terminal devices, several of the planned provisions create such high hurdles that ultimately, effective and free competition for the best terminal equipment is not possible on this basis.

Specific examples would be:

Regarding '1.7.2 Protection of public network electronic communications in cases of use of terminal equipment of the user's choice':

1.7.2, a) "In exceptional circumstances, the provider may disconnect devices where there is a need to protect the network provided that, where technically feasible, an alternative is provided to the user."

This authority of the providers to disconnect terminal devices from the network "in exceptional circumstances", when the network needs to be protected, is very unspecific. It should be made clearer for which cases this right to disconnect applies, so that the "exceptional circumstances" cannot be used arbitrarily as a general pretext for reintroducing "obligatory routers".

In addition, the alternative offered to the user may not necessarily be a provider terminal device. This also opens the door for the provider to justify reintroducing "obligatory terminal equipment".

1.7.2, b) "The provider is not responsible for the installation, maintenance, activation of the equipment and the removal of any malfunction of the service in case the terminal equipment selected and used by the subscriber demonstrably creates problems in the provider's network."

Here it should be made clear what "demonstrably creates problems" means. Otherwise, there is a risk that individual cases will be generalized and used as justification for no longer allowing a certain type/model of terminal equipment to be connected to the network - even if there is no general problem at all.

1.7.2., f) "In the event that for the purpose of providing a service on equipment of the user's choice, the subscriber is provided with password information or other necessary configuration codes (keys/credentials), then the subscriber assumes full responsibility for incidents of accidental or unauthorized access to its equipment, for any misuse of its services by the same or unauthorized person, for the execution of malicious software and for causing damage to the network."

Certainly, the user is responsible for the data (passwords, credentials, etc.) that he receives. However, this may only apply to a certain and, above all, proportionate extent. The same applies to securing the



user's network and equipment against unauthorized access or misuse; here, too, the user cannot be expected to know details beyond the "normal" extent and to take appropriate protective measures.

Since it is "relatively" easy for network operators to take countermeasures in the cases described, the network operator should also have to make its contribution.

This is perhaps made clear by the comparison with credit cards: Certainly, the user is also obligated here to use the credit card and the associated data responsibly; however, he cannot be held responsible for the inherent weaknesses of the underlying credit card system.

It should be noted that even today, i.e., when terminal devices are compulsory, it is possible for criminals to gain unauthorized access to credentials or equipment etc., in order to cause damage. The question of whether a terminal device is owned by the provider or by the user himself has no influence on this. Still, it should go without saying - as is already the case today - that users should handle their data and the devices under their control responsibly.

In this respect, we see an increase in liability as a disadvantage for users of customer-owned terminal equipment (compared to users of provider terminal equipment) and thus as an indirect promotion of "obligatory terminal equipment". This is particularly incomprehensible as the question of ownership/responsibility in relation to the terminal equipment is not relevant in these cases.

Users must not be placed under general suspicion and users of their own terminal devices must not be disadvantaged

Generally, it shines through in some places in this document that the responsibility for effective free choice of terminal equipment rests primarily on the correct behavior and responsibility of the user. This in turn can lead to the user shying away from too much responsibility and thus indirectly being forced to use a terminal device provided by the provider.

In addition, users who want to use their own terminal device on their connection are placed in a much worse position than those who use a provider device. This is another implicit promotion of "obligatory terminal equipment".

It seems like many of the provisions are designed to relieve providers of their responsibility of also ensuring the security of their network and supporting their customers in the use of their desired terminal equipment for reasons of customer satisfaction.



Justification for restrictions on the free choice of terminal equipment must be objectively verifiable

In cases where network operators are allowed to restrict the use of customer-owned terminal equipment, we strongly suggest that it be ensured as a matter of principle that the justification for this must be provided by the providers in an objectively verifiable manner. This should ensure that there is no rash restriction of the free choice of terminal equipment and/or that the reasons for this are only pretextual - and the router obligation is thus reintroduced through the back door.

Conclusion

It is important that the EETT establishes a clear framework for the publication of interface specifications by network operators. Only on the basis of adequate, appropriate and complete interface specifications manufacturers of telecommunication terminal equipment are able to design terminal equipment that supports all services provided through the corresponding interface, ensure interoperability with the network and ensure the correct operation of the equipment.

At this point, it should be emphasized once again that interface specifications can be created and implemented for all connection technologies (DSL and cable as well as fibre optics).

Interface specifications are the basic prerequisite for an open market and functioning competition in the area of telecommunications terminal devices and thus for users to be able to choose the terminal equipment on their broadband connection.

However, we would like to emphasize the need for adjustments with regard to some of the planned requirements, as these in their current form would make it significantly easier for providers to indirectly reintroduce "obligatory routers". In our view, this would not be in the interests of regulation to establish the free choice of telecommunications terminal equipment in Greece.

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