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DVR 0043257

## **Consultation on the treatment of Voice over Internet Protocol (VoIP) under the EU Regulatory Framework**

Dear Sirs,

The VAT, the Austrian Association of Alternative Telecommunication Providers, represents new entrants on the Austrian telecommunication markets. Our members offer a wide variety of communication services including mobile and fixed line services such as voice telephony as well as narrowband and broadband data services.

### **Technological neutrality**

VAT supports the Commission's point of view in respect of its technologically neutral approach. Likewise, the EU Regulatory framework seeks to be technologically neutral, so that it neither imposes nor discriminates in favour of the use of a particular technology. As such it focuses on services and related markets rather than on the underlying technology used.

Operators using VoIP technology must therefore comply with equal rules and regulation as all PSTN-Operators must comply with. Whether a connection is established via PSTN or via IP should not make any difference in terms of regulations applicable for such service.

### **Decisive factor is the consumer's view**

Most consumers do not realize whether their call was set up by PSTN or by VoIP technology. The deciding factor for the customer is that his call is transferred to the party he called. Though, consumers will not be qualified to allocate poor services to PSTN or to VoIP, but they will be qualified in complaining about a "decrease in quality of telephony services". As a consequence, operators using VoIP technology must be

obliged to perform the same quality standards as PSTN-Operators are obliged to perform.

### **No competitive advantages for VoIP operators**

VoIP operators compete with PSTN services. Fair competition is only ensured if both kinds of operators have to comply with equal legal requirements.

A priority treatment of VoIP operators like e.g. a simplified access to the market or lower quality demands will immediately cause competitive advantages for VoIP operators while PSTN operators will suffer from higher costs deriving from the more demanding legal requirements imposed on them.

### **Need for Harmonised Approach**

Due to the nature of VoIP the regulatory approach is of Community-wide importance. National regulatory authorities within the Community have already started to consult different regulatory approaches towards VoIP. In light of possible different views of the various NRAs we see an urgent need for a harmonised approach throughout the Community. We therefore support the swift adoption of a new Communication on the treatment of VoIP under the new regulatory framework.

We kindly ask you to consider these deliberations and we would be very grateful for an opportunity for a personal exchange of views to bring this topic in a further stage.

For any additional question or information you might require please do not hesitate to contact us (Email [office@vat.at](mailto:office@vat.at)).

Yours sincerely,

VAT – VERBAND ALTERNATIVER TELEKOM-NETZBETREIBER

Ute Rabussay