

Meeting with Facebook on the Electronic Communications Code, 9 January 2018

Present: [REDACTED] (FB), [REDACTED] (FB), [REDACTED] (CNECT), [REDACTED] (CNECT)

Personal data
protection Art
4(1)(b)

The meeting was organised at a request by FB to discuss some of the provisions of the Electronic Communications Code. In particular, FB presented its viewpoints on 1) the definition of number-based interpersonal communications services, 2) General authorisation, 3) interoperability requirements for number-independent ICS..

As for 1), FB stressed that the distinction between NB-ICS and NI-ICS is critical to ensuring unambiguous regulatory boundaries, and should remain a fundamental cornerstone of the Code. FB stressed that the fact that a NI-ICS may use a number as a unique identifier does not make the service equivalent to a service that uses the number for routing purposes to provide end-to-end connectivity to any and all users. FB expressed their support to the Commission draft as offering a clear distinction between NB-ICS and NI-ICS based on interconnection with the public telephone network. They also support the proposals to incorporate the concept of the conveyance of signals to enable communications with numbers as the demarcation between NB-ICS and NI-ICS

As for 2), FB expressed their support on the Council position of not subjecting NI-ICS to general authorisation. FB is of the view that the realization of a European digital single market must not be undermined by Member States seeking to extend national general authorisation regimes to NI-ICS or otherwise seek to impose additional requirements on NI-ICS.

As for 3), FB expressed their view that there is no regulatory need to require NI-ICS to interoperate with the public telephone network or with each other. They stressed the functional difference between NB-ICS and NI-ICS: NB-ICS provides conveyance of signals while NI-ICS does not. Users can already switch seamlessly between NI-ICS on their own devices, and consumers also have the benefit of being able to use the same NI-ICS on multiple devices. In case the mechanism for enforcing interoperability is maintained in the Code, FB suggested that the technical and economic feasibility of NI-ICS providers to provide interoperability should be an explicit evaluation factor.

The Commission service took note of FB's comments.