

Contactpersoon drs. W.G.J. Penris	Ons kenmerk OPTA/AM/2008/201404	Uw kenmerk	Doorkiesnummer
Datum	Onderwerp OPTA position on obligations towards end users for Voice over IP service providers		Bijlage(n)

Dear [...]

The Commission of the Independent Post and Telecommunication Authority (hereinafter "the OPTA Commission") has adopted a number of standpoints with regard to the obligations which VoIP providers have in relation to end users. You will find the position paper in question under the heading 'Position in relation to obligations towards end users in respect of Voice-over-IP services' on OPTA's website (www.opta.nl). This position paper was drawn up following two market consultations, one in 2004 and one in 2008.

The central question discussed in this document is what obligations in respect of end users must a VoIP provider fulfill if it is to comply with the statutory definition of a publicly available telephone service?¹ In this document, telephone services are therefore viewed primarily in terms of statutory definitions. The analysis therefore has a legal bias. Telephone services are not regarded in this document as part of a market. The latter approach, a more economically biased analysis, is characteristic of market analyses. In market analysis decisions, an assessment is made of the extent to which it is justified to impose far-reaching obligations, in addition to these generic obligations, on providers with appreciable market dominance.

In brief, the OPTA Commission's approach is as follows: if a VoIP service complies with the definition of a publicly available telephone service and/or a publicly available electronic communication service, in terms of the Telecommunications Act, the service provider must, in principle, comply with all the

¹ During the second consultation round, one of the respondents suggested that it might be useful to discuss not only the generic obligations in relation to end users, but also all the other obligations. These include, for instance, the obligations with regard to registration and the obligations with regard to the use of numbers. The OPTA Commission appreciates that this may be useful for market parties, but is of the opinion that obligations which do not bear a relationship to end users lie outside the scope of this position paper. In addition, the desired extension of the consultation would require additional time.

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obligations associated with this service by the Act. A summary of the standpoints adopted by the OPTA Commission in relation to the relevant obligations is provided in the annex to this letter.

The OPTA Commission is of the opinion that the standpoints set out in the position paper do justice to the interests of end users, without obstructing the further development of a diverse offering services on the market. On the basis of the obligations presented, it is possible to ensure that consumers are provided with a telephone service and an optimal package of guarantees in relation to quality, information, freedom of choice and security, whereby justice is also done to the capabilities and limitations of the providers.

Although the OPTA Commission has limited itself to a reference to the document on the website for reasons of efficiency, OPTA will gladly send you a copy of the position paper on request.

I trust that I have provided you with sufficient information.

Yours sincerely,

COMMISSION OF THE INDEPENDENT POST AND TELECOMMUNICATION AUTHORITY
on behalf of the Commission,
Head of the Consumers, Numbering & Chair's Office

mw drs. D.L. Braal-Verhoog