

Athens, 21 November 2019



Public consultation on draft BEREC Guidelines on common approaches to the identification of the network termination point in different network topologies – Input of Homo Digitalis

Homo Digitalis is a Greek civil society organization based in Athens that focuses on the promotion and protection of human rights in the information society. We would like to thank BEREC for their open invitation to submit our input on the draft Guidelines on common approaches to the identification of the network termination point in different network topologies, which was approved during BEREC's 40th plenary meeting (3-4 October 2019, Crete).

1. Setting the NTP at location A as the default recommendation for all European NRAs

We welcome BEREC's reference to the Regulation 2015/2120 as well as the Directive 2008/63/EC. According to their provisions, the end-users have the freedom of choice to decide the devices to use in order to connect to the internet, which includes both the modem and the router. Thus, the values of digital sovereignty and independence from internet access service (IAS) providers are enshrined in these provisions of EU law.

We agree with BEREC that setting the network termination point (NTP) at point A contributes the most to the competition on the telecommunications terminal equipment (TTE) market. Moreover, as the Free Software Foundation Europe (FSFE) [points out with its input](#), only point A as the NTP location allows for a competition of equipment manufacturers for better security precautions, update service reliability, and complementary features.

We recognize that the draft Guidelines identify the relevant criteria as to how to assess the consequences of the existing particular choices. We would like to underline the fact that placing the NTP at point A will enable the end-users to operate autonomously their networks, will allow them to switch Internet access service (IAS) providers with greater ease, and will limit their dependence on IAS providers' security and data protection practices.

On the contrary, we do not recommend point B and C as locations for the NTP, because such options would result in limiting the freedom of choice and independence of the end-users, while will potentially lead to network instability and security hazards. Thus, we believe that BEREC should consider to set the

NTP at point A as the default recommendation for all European NRAs. We would like also to endorse FSFE's input on this regard.

2. Endorsement of the input of the civil society organization epicenter.works

The Austrian civil society organization epicenter.works, has [uploaded in its website](#) its own input on the BEREC's draft guidelines. Homo Digitalis approves the suggested changes in the text of the Draft Guidelines, i.e. the amendments of paragraph 84 and paragraph 105 referring to the establishment of objective technological necessity and the mitigation of security issues, respectively.

Moreover, Homo Digitalis agrees that BEREC should clarify that existing contractual relationships must not be considered to establish objective technological necessity by themselves. Thus Homo Digitalis approves epicenter.works' suggestion for a new paragraph on this issue (62a).

Finally, Homo Digitalis endorses epicenter.works' suggestion regarding the addition of the new paragraph 108a, which aims to limit the adverse consequences for the privacy of end-users' communications caused by an NTP in location C.

Many thanks for taking into consideration our input.

Your sincerely,

The team of Homo Digitalis