



Non-Confidential Version

Consultation: Draft Rules for Determining the Terms and Conditions for Providing Information on the location of users and data for the end user by the enterprises providing interpersonal communication services with emergency numbers.

Twilio's Response to the Review by Commission for Regulation of Communications Bulgaria

29 November 2021



1. About Twilio

- 1.1 As a leading global Communications Platform as a Service (**CPaaS**) provider, Twilio provides services to more than 235,000 enterprises globally and powers more than 1 trillion interactions between them and their customers every year.
- 1.2 Twilio's software allows customers to communicate with their customers over voice, SMS, messaging, or email thanks to the communications feature that companies have added into applications across a range of industries, from financial services and retail to healthcare and non-profits.
- 1.3 For instance, Twilio powers the communications for New York City's contact tracing initiative. The services enable city authorities to communicate with COVID-19 patients, educate them on the virus, and identify their close contacts through self-reporting. The platform also provides messaging-based alerts using Twilio Voice, SMS, email or WhatsApp that prompt patients to fill out secure surveys on their symptoms.
- 1.4 In Europe, Twilio serves a number of global customers as well as Government organisations and many of Twilio's customers are also small and medium-sized enterprises and Twilio's social impact arm, [Twilio.org](https://www.twilio.com/social-impact), supports charitable organizations to deliver their communications needs.

2. Executive Summary

- 2.1 Twilio welcomes the opportunity to provide feedback on the Commission for Regulation of Communication's (**CRC**) consultation on draft rules on the terms and conditions for providing information on the location of users and data for the end user by the enterprises providing interpersonal communication services with emergency numbers (**Draft Rules**).
- 2.2 Emergency calling is a key consumer protection for customers and Twilio acknowledges the importance of strong and robust rules around emergency calling. Twilio, however, respectfully questions the timing of this new consultation and the introduction of the new rules in light of the fact that the European Commission (**Commission**) is currently working on a harmonised delegated act for 112 services that will address a number of the issues that are covered by these draft rules.
- 2.3 Twilio is concerned that as noted in the Commission's roadmap document "the uncoordinated deployment of emergency communications systems in Member States lead to fragmented solutions and risks significant and prolonged gaps of compatibility, interoperability, quality, reliability and continuity of emergency communications in the EU."
- 2.4 Twilio would therefore encourage the CRC to await the outcome of the Commission's delegated act before bringing into force new terms and conditions dealing with emergency calling.



- 2.5 The Minister of Interior plays a key role in the draft terms and conditions in terms of providing enterprises with identifiers and certificates that they will require before they are able to commence service and in agreeing the format by which caller location data may be provided. How the Minister of Interior is to carry out these functions is not clear and Twilio would welcome further information from the CRC as to how the Minister of Interior will be carrying out these tasks and whether relevant consultations would be held.
- 2.6 Twilio would also welcome clarify on when these obligations will come into force as there is no proposed date included in the consultation and some of these new requirements will require an implementation timeframe (such as the requirement for redundant routing).
- 27 Please do not hesitate to refer any questions or remarks that may arise as a result of our comments to:

Twilio Ireland Limited
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Attention: Twilio Global Regulatory Affairs
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3. Twilio's Comments

A. Timing of this consultation given the Commission's work on a delegated roadmap

- 3.1 Twilio notes that the draft terms and conditions proposed by the CRC touch upon the requirements to make emergency services available to disabled customers not only in respect of those disabled persons who are permanently present in Bulgaria but in respect of disabled users who are citizens of another member state residing in Bulgaria with access to services for emergency calls on a par with other end users without prior registration when this is feasible. Twilio would welcome confirmation from the CRC that the latter obligation is intended to deal with end users with disabilities who are roaming in Bulgaria.
- 3.2 Twilio notes that as part of the Commission's roadmap consultation on their proposed delegated act on 112, one of the issues that the Commission is looking to address is the fragmentation - where end users with disabilities do not benefit from equivalent means of access, especially when roaming. Indeed the Commission states that "the delegated act could also set common minimum requirements to ensure equivalent access to emergency services for end users with disabilities throughout the EU." In light of this and the fact that there is no detail in the Bulgarian terms and conditions as to how equivalent access should be implemented in these situations, Twilio would urge the CRC to consider whether this obligation should proceed ahead of the EC finalising the delegated act. Twilio considers that



to do so would risk adding to existing fragmentation which cannot be in the interests of either operators or end users.

- 3.3 Similarly the Commission's delegated act may also include "coherent implementation of accurate and reliable caller location and adaptation of routing protocols to an all IP environment. Such measures could include mandating a next generation emergency communications architecture namely access and routing protocols specific to the Next Generation PSAP IP based standards." Mandating of such standards by the Commission would therefore potentially impact on the obligation in the draft terms and conditions contained in Article 14 which requires that nomadic voice services provide phone number information and geographical coordinates of the address from which the call was made.
- 3.4 Whilst the draft terms and conditions do not specify how this is to be done technically, Twilio notes that it will only be possible for this to be transmitted if the public-safety answering point is itself capable of accepting geo-coordinates in the SIP invite, using the Geolocation header or embedding the location information using the Presence Information Data Format Location Object (PIDF-LO). The implementation in practice of this obligation will therefore not only require operators to take actions but also the public-safety answering point themselves.
- 3.5 Given the possibility that the Commission could adopt a different approach to CRC, Twilio respectfully urges the CRC to consider pausing the implementation of the emergency services rules until the Commission has issued the delegated act so that both providers and the public-safety answering point themselves are not subject to having to redo implementations as a result of changing rules.
- 3.6 Apart from this major concern about implementing these rules prior to the details of the Commission's delegated act being published, Twilio also has a number of comments on the drafting of the regulation itself.

Drafting Comments

- 3.7 In clause 2(2) the obligation to provide to their end users access to the emergency services "should also be implemented with regard to end users with a ban on making outgoing calls." Twilio assumes that this obligation applies to customers whose outbound calling has been suspended (e.g., for non payment of bills or for other reasons) but does not extend further to those customers who have themselves requested a block on outgoing calls. Twilio would welcome clarification by the CRC on this point.
- 3.8 Twilio notes that a number of obligations under the rules and conditions are given to the Minister of Interior. These include the:
 - Granting of a unique identifier for the network of each enterprise - Article 6(1).



- The format of the data for the location of users shall be determined by the Minister of Interior after written coordination of the enterprises - Article 8(2).
- Granting of an official confirmation from Directorate “National System 112 in the Ministry of Interior (bilateral protocol) for the possibility of emergency call centers to receive and process information for identification of the location of end users from calling from their network - Article 14(2) before an enterprise can commence the provision of nomadic services.
- The relations between the enterprises and the Ministry of Interior in providing end user location information and end user data which are not regulated in these rules are settled in agreements in compliance with these rules and under conditions of transparency and equality - Article 15.

3.9 Twilio seeks further information to better understand how the Ministry of Interior will carry out these tasks and whether there will be relevant consultations held.

3.10 Finally the consultation document does not contain an implementation date and notwithstanding Twilio’s earlier comments, Twilio would welcome the inclusion of a date as to when these obligations will come into force as some of these new requirements will require an implementation timeframe (such as the requirement for redundant routing).