



TELECOMMUNICATIONS  
INDUSTRY ASSOCIATION

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Submitted via <http://www.anatel.gov>

October 8, 2014

ATTN: Agência Nacional de Telecomunicações – ANATEL  
Superintendência de Planejamento e Regulações – SPR  
Consulta Pública Nº 31, de 21 de Agosto de 2014  
Discussão Prévia com a Sociedade sobre Temas Relevantes para  
Construção do Regulamento Geral de Acessibilidade

Sector de Autarquias Su! – SAUS – Quadra 6, Bloco F, Térreo – Biblioteca  
CEP 70070-940 - Brasília-DF

**Re: PUBLIC CONSULTATION No. 31 regarding Preliminary discussion with society on topics relevant to the construction of the General Regulation in Telecommunications Accessibility**

The Telecommunications Industry Association (“TIA”), supported by numerous member companies that manufacture information and communications technology (“ICT”) products that are subject to regulation by the National Telecommunications Agency (“Anatel”), hereby submit input and proposed text changes to the August 2014-released Public Consultation No. 31, referenced above. TIA represents approximately 400 global ICT manufacturer companies in the mobile wireless, broadband, information technology, network, cable, satellite, and unified communications environments. TIA’s members empower communications in every industry and market, including healthcare, education, security, public safety, transportation, government, the military, the environment, and entertainment. For more information on TIA, please visit <https://www.tiaonline.org/>.

The global ICT manufacturer and vendor community actively works to enhance the accessibility of telecommunications products for consumers with disabilities. Our members actively engage with consumers in the design of products, proactively initiate industry-led consensus development of standards that enhance accessibility, and engage governments across the globe. TIA believes that the most effective way to enhance accessibility to advanced communications devices and services for consumers with disabilities is to take a balanced approach that provides clarity and feasibility in regulation and adequate flexibility to innovate products and services.

Based on our views, we offer the specific answers to the following questions posed in Proposal No. 31:

**Theme 2, Question 1 – What are the basic features of accessibility by type of disability that should be prioritized in telecom equipment?**

As noted in the ITU publication cited in Anatel’s consultation, many different accessibility features are offered today to address the needs of people with specific types of disability. Because the range of abilities can vary significantly from individual to individual, the prioritization of features will also vary from individual to individual. It is not feasible (from a technical as well as a cost perspective) to require equipment to include all features on all products and Anatel should instead allow industry to address accessibility from a portfolio perspective. With a portfolio approach, industry may offer a range of devices with different accessibility features and at different price points to meet the varying needs of people with disabilities. Requiring all products to include all accessibility features would unnecessarily drive up costs, create barriers to market entry, and block innovation by causing industry to focus on meeting a prescriptive set of accessibility requirements which have the effect of making accessible devices less available.

Anatel should also allow for flexible implementation of its regulations by permitting accessibility criteria to be satisfied by either built-in features or compatibility with assistive technology. In general, the legislative and regulatory approach adopted in the United States focuses on categorizing accessibility features based on the category of disability, such as “Operable without vision”, “Operable without hearing”, “Operable with limited manual dexterity”, or “Operable without speech”, etc. The Mobile Manufacturers Forum Global Accessibility Reporting Initiative (GARI) database uses a similar set of groupings that references accessibility features based on the type of disability they address (e.g. hearing, speech, or cognition). Both approaches are representative of approaches to functional disability categorization that are broad enough that they allow for flexibility in how a manufacturer designs to meet the regulation’s requirements.

**Theme 2, Question 2 – What is the best way to disseminate models of equipment and applications with accessibility features by type of disability could be used by manufacturers, service providers and others involved in the development, production, distribution and sale of equipment?**

As noted in Anatel’s consultation, industry is already voluntarily providing information on the accessibility of mobile phones, tablets and mobile apps through the Mobile Manufacturers Forum Global Accessibility Reporting Initiative (GARI) database. The GARI database already provides comprehensive information on many of the features listed in the consultation. The GARI is freely available to the public on the web and allows consumers to search for devices and apps based on their specific needs. Many regulators around the world have adopted the

GARI, allowing industry to voluntarily self-declare the accessibility features of mobile phones. This has proven successful in providing accessibility information to people with disabilities. We encourage Anatel to follow the same approach to allow manufacturers to provide voluntary reports in a manner consistent with what they are already doing in a number of jurisdictions around the world.

In addition, manufacturers' websites can serve as an important avenue by which they disseminate information on telecommunications product models and specific features that address different accessibility needs. This is an important tool because it can provide consumers with immediate, up to date information about new equipment and features. Manufacturers are actively engaging with consumers and thus, are making a proactive effort to ensure that accessibility features are highlighted in the product information provided on their websites.

**Theme 2, Question 4 – Should it appropriate, submit suggestions and other thoughts on the subject.**

TIA urges Anatel to ensure that any activity it takes in this matter reflects the following priorities:

- Anatel should ensure that it does not favor or mandate one technology solution over another in order to allow industry the needed flexibility to meet consumer needs, and does not stifle innovation.
- The global ICT manufacturer and vendor community actively works to enhance access for consumers with disabilities to telecommunications products and services, both individually and through the development of global (not regional), voluntary, open, and consensus-based standards. TIA believes that it is advantageous for countries developing new technical regulations to rely upon such standards by designating them as “safe harbors” – in other words, a product’s compliance with the standard constitutes acceptable performance while other methods of achieving the regulation’s goal are still permissible. Benefits to such an approach include reducing barriers to the importation of high-quality products that comply with globally-accepted accessibility standards, and reduced cost to the consumer for these products.
- TIA strongly urges for Anatel to ensure that it considers technical feasibility and product cycles by allowing any new regulations to have a phasing-in period of a minimum of two (2) years. From TIA’s experience, an implementation timeframe of a minimum of 12-24 months is required for manufacturers to design and integrate any additional required features as stipulated by the criteria after the effective date of the final ruling, particularly when hardware is impacted. In addition, this practice would be consistent with the approach taken by many other governments, such as the United States’.

- We again urge for any rules to allow the use of a portfolio approach to addressing accessibility for telecommunications products. The blanket application of requirements would unnecessarily drive up costs and create barriers to market entry, harming consumers.

TIA appreciates the consideration of Anatel in this matter, and we urge you to contact the undersigned with any questions or concerns.

Respectfully submitted,

**TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

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