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RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of RSPG#12, 14 February 2007

RSPG #12
Brussels, 14 February 2007

Summary

(1) Introduction to RSPG#12

Agenda

Francois Rancy, Director General of the Agence Nationale des Fréquences, opened the meeting and presented the agenda¹ which was adopted.

(2) RSPG Work Programme 2007 and outlook 2008

Presentation of the proposed Work Programme

Mr. Rancy presented the proposed Work Programme for 2007² which had been prepared by the Chairman, the vice-Chairmen and the RSPG Secretariat. The **RSPG Secretariat** explained the other items contained in this document which are for the time being to be considered as possible work items for 2008.

Discussion

The RSPG discussed all proposed work items as well as the proposed timing in details.

Regarding the follow-up on the Opinion on EU spectrum policy implications of the digital dividend³ (item 1⁴), RSPG members confirmed the timing proposed in the work programme as particularly relevant. It was confirmed that RSPG will revisit the issue once the studies undertaken by CEPT become available. On the follow-up of the Opinion on the introduction of multimedia services⁵, it was confirmed that no specific further action was needed from RSPG, as the objective in general was to identify hurdles to be removed for the deployment of mobile multimedia services.

On WRC-07 and besides the pending Opinion⁶, RSPG members agreed to follow closely the results of the forthcoming ITU negotiations (item 2).

¹ Document RSPG07-158, available at http://rspg.groups.eu.int/meeting_documents/index_en.htm

² The Work Programme adopted by RSPG can be found as document RSPG07-160 final

³ See section 3 of this report

⁴ The item reference corresponds to the numbering in the work programme.

⁵ Opinion adopted at RSPG#11 in November 2006, see document RSPG06-143.

⁶ See section 4 of this report

There was strong support by RSPG for the proposal to investigate licence-exempt⁷ solutions for spectrum management (item 3).

The proposal to see RSPG investigate means to optimise the regulatory environment for EU spectrum harmonisation was welcomed by RSPG members, in particular concerning the different existing legal mechanisms in the EU (equipment: R&TTE Directive: spectrum: Spectrum Decision and partly the regulatory framework for electronic communications). RSPG members were of the opinion that this item could usefully be discussed by RSPG once the detailed provisions of the Review of the regulatory framework were stable and in view of the review of the R&TTE Directive planned at a later stage. In conclusion the Chairman proposed to maintain the item on the list of planned RSPG activities, but to take note that the precise scope of the Opinion to be developed would need to be identified more precisely at a later stage (item 4).

The proposal to see RSPG investigate the spectrum management practices for frequencies used for government services was welcomed by RSPG members on the ground that efficient use of spectrum should be an objective for all users. Mr. Goddard (OFCOM) presented the approach taken by the UK which is largely based on price incentives⁸. Other RSPG members reported on different approaches and on the sensitivity of this subject. The Commission informed that a study on government use of spectrum is planned for 2007. RSPG members concluded that the item was relevant and should be dealt with by RSPG (item 5).

The RSPG supported the proposal by the Commission to see RSPG launch a reflection process how to deal at EU level with the difficulties encountered by EU Member States at the border of the EU territory, who frequently have to coordinate spectrum usage with neighbouring countries not bound by EU harmonisation measures. This point was included in the list of RSPG priority items and the Commission was requested to prepare initial reflections on this matter to RSPG, before the item will be picked up by the Group (item 6).

It was agreed to include a standing item to monitor the follow-up of RSPG Opinions (item 7).

The discussion on other items for further considerations, RSPG agreed to the proposals contained in the draft Work Programme. Members called upon the Commission to make proposal for specific questions RSPG should look at in the context of the implementation of the regulatory framework under review (item 8). On the proposed item regarding the interplay between spectrum harmonisation measures and authorisation procedures (item 9), some Member States recommended limiting this to specific cases where a pan-European dimension was relevant. It was recommended to deal with this matter after the main elements of the review will be decided. RSPG members agreed for the time being to maintain the three proposals to look into sector-specific issues (item 10: spectrum for systems beyond 3G; item 11: spectrum implications of the European space policy; item 12: spectrum for public protection / disaster relief).

Following agreed changes, and with the proviso that items 8-12 are tentatively listed and need further confirmation by RPSG, the Work Programme was adopted². It will be published on the RSPG website, replacing the Work Programme adopted in 2005.

⁷ In this context, the scope of "license exempt" should be understood as including "underlay" and "overlay" use of spectrum.

⁸ Presentation see document RSPG07-169

(3) **Opinion on the EU spectrum policy implications of the digital dividend**

Presentation of the draft Opinion

Mr. Rancy in his quality of **Rapporteur** presented the draft Opinion. He recalled the history of the proposed document, which has been submitted to public consultation last December. He summarised the main conclusions.

Discussion of the draft Opinion

The draft Opinion met general support by the RSPG members. The discussion focused on the question whether the Opinion should recommend the provision of a primary allocation in the ITU Radio Regulations for the mobile service in Region 1 in the UHF band at WRC-07 or whether it was better to wait until WRC-11. Although there were more Member States expressing support for a mobile allocation as soon as WRC-07, it was decided to leave both options open. The RSPG agreed that, irrespective of WRC-07 decisions in this regard, Europe should move quickly on this issue, notably concerning the compatibility studies needed to verify the possibilities of different systems co-existing in the same band. Members further expressed their wish to avoid a re-planning of the UHF band. For its part, the Commission took note of the RSPG Opinion pleading in favour of non-mandatory Community measures for any aspects of the digital dividend, but suggested rewording parts of the text to avoid giving the impression that this was a matter of *de jure* exclusive national competence.

Adoption of the Opinion

After incorporating the agreed text changes, the RSPG adopted the final Opinion by consensus⁹.

The **Commission** thanked RSPG for the work accomplished and emphasised that the Opinion comes at a timely moment and will require follow-up, to which the Commission is committed.

⁹ Final Opinion: see document RSPG07-161 final.

(4) Revised Opinion on WRC-07

Presentation of the draft Revised Opinion on WRC-07

Mr. Goddard (OFCOM) in his quality of **Rapporteur for this Opinion** presented a revised draft Opinion. He recalled the history of the work by RSPG since WRC-03 and indicated that the latest version was agreed by a drafting Group last December. The draft Opinion was meant to replace an earlier (preliminary) Opinion adopted by RSPG in November 2005¹⁰.

The Commission explained the section "Relevant Community Policies of WRC-07" which have been added to give the policy background and references.

Discussion of the draft Revised Opinion

RSPG members generally supported the draft Revised Opinion. A statement recalling that some of the candidate bands are extensively used by terrestrial and space services was added to the section "*IMT2000 and systems beyond*". In the section "*Improving the global regulatory framework for satellite communications*", the need to safeguard existing satellite systems when discussing this regulatory framework was reinforced. The opinion 8 in the section "Introduction of more flexibility in the international spectrum regulatory framework" was re-formulated to better express the need for addressing allocation, regulatory and procedural issues in the ongoing discussions on changes to the Radio Regulations, reflecting at global level the strategic direction of spectrum management debated at EU level in different opinions of the RSPG, such as on WAPECS and on the Digital Dividend.

Adoption of the draft Revised Opinion

After incorporating the agreed text changes, the RSPG adopted the final Revised Opinion by consensus¹¹.

The **Commission** thanked RSPG for the work undertaken on this important matter which will be subject to a Communication by the Commission to the EP and Council. The Commission announced further that CEPT and the Commission will organise a public workshop on the WRC-07 on 9 March 2007 in Brussels to which concerned constituencies but also Member State representatives and RSC/RSPG members will be invited. A draft agenda of the event was brought to the attention of the Group. The Commission also welcomed and supported the candidacy of the CEPT candidate for the chairmanship of WRC-07 and encouraged all RSPG members to do likewise in their internal and external contacts.

¹⁰ See document RSPG05-103 final

¹¹ See document RSPG07-162 final

(5) **First discussion of a future Request for an Opinion on licence exempt-use of spectrum**

Presentation of possible Opinion work

In line with the work programme 2007, the **Commission** tentatively outlined the possible scope of an Opinion on the unlicensed usage of spectrum, a matter on which the Commission is seeking strategic advice from RSPG. It was recalled that in an earlier Communication of the Commission¹², it has been proposed to adopt a mix of possible spectrum management approaches, inter alia considering the market based approach and licence-exempt approach on their own merits and determining when each method is best applied. A first discussion has taken place in the Radio Spectrum Committee (RSC), but a generic strategic analysis on the merits and implications of the licence-exempt approach was required at a moment when technical developments start to enable advanced methods to collectively use spectrum without interference effects between different users. The Commission is seeking advice on issues such as whether sufficient spectrum is available on an unlicensed basis, what are the benefits of this approach and what EU-level coordinated action could be envisaged.

Discussion

The support for this activity already emerged during the discussion on the Work Programme and was confirmed. RSPG members viewed this topic as very important and as an opportunity to take stock of experiences gained so far with unlicensed spectrum usage, but finding generic answers and general principles would be a challenging undertaking. It was noted that under the term "unlicensed" usage, there may be a variety of licensing formats which need to be examined. From the Commission side, it was confirmed that it was the intention to see "underlay" and "overlay" usage of spectrum covered by the Opinion.

Next steps

The Commission was requested to prepare for the next RSPG meeting a Request for Opinion which would incorporate the recommendations from RSPG members. This Request would be examined by the Group with the intention to launch the work. It was agreed that the best format for RSPG to work on this future Opinion was through a Rapporteur, assisted by a drafting group. Members were requested to consider nominating candidate Rapporteurs before the next RSPG.

(6) **Other policy matters**

Report on Commission activities in radio spectrum policy:

The **Commission** provided an overview of the relevant activities in radio spectrum policy since RSPG#11 on 25 October 2006¹³.

¹² COM(2005)411:Second Annual Report on Spectrum Policy Implementation

¹³ See also document RSPG07-163

Presentation by the Commission on the on-going definition of a European Space Policy:

The **Commission** (Mr.Howell, DG ENTR) gave a summary overview on the current state of defining an EU Space Policy¹⁴. One of the issues at stake is to secure the needed harmonised frequencies and orbital slots.

(7) Other matters

In his concluding remarks, the **Chairman** announced several items likely to be included in the agenda of the next RSPG meeting: Follow-up of the Opinion on the Digital Dividend (first results from CEPT), Request for Opinion on un-licensed spectrum.

The next RSPG meeting (RSPG#13) is scheduled to take place in Brussels on **8 May 2007**.

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¹⁴ See presentation slides in document RSPG07-165