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RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of RSPG#13, 8 May 2007

RSPG #13
Brussels, 8 May 2007

Summary

(1) Introduction to RSPG#13

Agenda

The **Chairman, Francois Rancy**, Director General of the Agence Nationale des Fréquences, opened the meeting and presented the agenda¹.

(2) Proposal for an Opinion on collective use of spectrum

Background

In line with the RSPG work programme for 2007, and following the initial discussion on this topic at RSPG#12, the **Commission**² presented a formal Request for an Opinion on collective use of spectrum. The Commission expressed the view that a spectrum management model based on collective use of spectrum in complement to an approach based on individual usage rights has a great potential, especially when looking at technological developments and the fact that this model could support several Community policy objectives. This initiative has also to be seen in the wider context of spectrum management reform where the Council and European Parliament have both expressed their interest in modernised spectrum management models, including the so-called "unlicensed" model, which is the most common form of "collective use". This initiative would complement a set of actions already undertaken by the Commission in this field during the last years, namely, two successive mandates to CEPT, a study and the Short Range Device Framework Decision, which was adopted in November 2006³.

Discussion on going forward

The **RSPG** discussed several aspects of the proposal, mainly in order to clarify the nature and scope of some of the underlying issues. The meeting also debated the name of the Opinion in light of the wide scope that the Commission would like to see covered (not only "unlicensed" use but also underlay/overlay use, short and longer range, etc). The RSPG agreed that the work on this Opinion should first focus on "unlicensed applications" since the entire scope would need more time and discussion. The Request for Opinion was endorsed, referring generically to the concept of "collective use" to include the various

¹ Document RSPG07-171, available at http://rspg.ec.europa.eu/meeting_documents/index_en.htm

² To be concise, the term "Commission" is used in abbreviated form in this report to refer to either "Commission representative" or "Commission services" as appropriate.

³ 2006/771/EC

possible models which are targeted, noting that the term “collective use of spectrum” would need to be clearly defined in the Opinion. The timetable for the delivery of the reports was also revised as a result of the discussion.

The revised Request for an Opinion⁴ was adopted. The **UK delegation** accepted to take responsibility for leading this activity and **Mr. Chris Woolford** (United Kingdom) was appointed "Rapporteur". He was tasked to propose detailed modalities to conduct the work and to develop an initial paper for consideration at the next RSPG meeting.

(3) **Preparation of a future activity on frequencies used for government services**

Presentation of an initial proposal for future Opinion work

The **Commission** presented preliminary thoughts for a future Request to the RSPG for an Opinion regarding government use of spectrum and its possible EU implications⁵. Government services are very significant users of radio spectrum, they often were the first to deploy new radio technologies and the services they provide constitute high priorities for governments (for instance for safety rescue and for defence purposes). The Commission recalled that some government services, such as defence, fall outside the sphere of legal competences of the Community. However, to be effective, a common EU spectrum policy cannot overlook governmental applications, and needs to balance all interests. In view of the fact that several Member States (e.g. the UK, Netherlands and Sweden) are looking into the matter, or even starting to deploy consolidated approaches to improve the efficiency of spectrum use for governmental services, the Commission expressed the view that it would be helpful to have RSPG's advice in this area. The Commission also informed the Group that it was planning to launch a study on the topic later in the year which could provide input to the RSPG Opinion.

Discussion

The **RSPG members** viewed this topic as an opportunity to take stock of experiences gained so far and agreed that, although it would be a challenging undertaking, some general principles could be derived. It was noted by several administrations that this was a politically sensitive question and that the RSPG should take due care to avoid the perception that the Community would unduly interfere with exclusive national prerogatives regarding specific government use of spectrum. The RSPG agreed to limit the scope of services which should be explored to the defence, emergency and transport sectors, and considered that the Opinion should primarily aim at providing best practices in this area.

Finally, the RSPG welcomed the launch of a Commission study and the fact that this study will take place in parallel to or before the RSPG work. This study should provide an opportunity for the RSPG to get additional analytical input from an independent source.

⁴ Document RSPG07-175, available at http://rspg.ec.europa.eu/meeting_documents/index_en.htm

⁵ Document RSPG07-176, available at http://rspg.ec.europa.eu/meeting_documents/index_en.htm

Next steps

The RSPG concluded that the draft Request for an Opinion requires further work in view of incorporating the recommendations expressed by delegations. The meeting also appointed **Mr. Stelios Himonas** (Cyprus) as the future Rapporteur for this activity in anticipation of the adoption of the Request for an Opinion at the next RSPG meeting (RSPG#14 in November 2007). This early involvement will allow him to work with the Commission on the finalisation of the Request for an Opinion.

(4) **Initial discussion on "streamlining the environment for EU spectrum regulation" focusing on harmonisation and coordination aspects**

Introduction

The **Chairman** had prepared, jointly with the Commission, a short background paper to set the stage for this first discussion in the RSPG⁶. This initiative, included in the work programme of the RSPG, aims at identifying improvements that could be considered within the spectrum regulatory environment which covers several aspects such as the identification of spectrum needs (usually formulated by industry and feeding both into standardisation and spectrum management), demonstration of compliance for radio equipment and derived rights and obligations, spectrum related conditions associated to the assignment of rights of use or general authorisation by spectrum regulators. The Chairman further explained that the objective should not extend to recommending institutional changes but rather to identify possibilities for operational "streamlining" and better coordination within the EU framework and between existing institutions. He mentioned that, in this context, two key areas for consideration under this activity seem to be the relationship between standardisation (ETSI, EC) and spectrum regulation (CEPT, EC) as well as the forthcoming revision of the R&TTE directive.

Discussion

The proposed activity met general support by the **RSPG members**. The discussion clarified that this work should be positioned in a context which is "post" EU regulatory review and "pre" R&TTE directive review.

The **Commission services** (both DG "Information Society and Media" as well as DG "Enterprise and Industry") welcomed this initiative and confirmed their readiness to be closely associated in the work of RSPG on this topic.

Next step

The meeting appointed **Mr. Eric Fournier** (France) as the future Rapporteur for this activity and requested him to propose a refined description of the scope of RSPG's involvement, or possibly already a proposal for a Request for an Opinion, at the next RSPG meeting (RSPG#14 in November 2007).

⁶ Document RSPG07-180, available at http://rspg.ec.europa.eu/meeting_documents/index_en.htm

(5) **Progress of preparation of WRC-07**

CEPT report

The **CEPT Representative, Mr. Van Diepenbeek** (also ECC Chairman), presented the current status of preparation of WRC-07 in the CEPT, as reflected in the document submitted in advance of the meeting⁷. Mr. Van Diepenbeek reported that the discussion in CEPT presently focuses in particular on the question of a possible mobile service allocation in the UHF band for Region 1 (WRC-07 Agenda Item 1.4). Regarding other WRC-07 topics, Mr. Van Diepenbeek drew the attention of the RSPG to the fact that the desired allocation of additional spectrum resources to (digital) broadcasting in the HF (WRC-07 Agenda Item 1.13) band may face difficulty as Europe seems isolated on that particular matter.

Discussion

The debate on this topic focused on the issue of a possible allocation to the mobile service in the UHF band, under Agenda Item 1.4 of WRC-07.

The **Commission** thanked CEPT for the good preparation work. However, it expressed concerns regarding the prospect of delaying the discussion on a co-primary status of mobile service in the UHF band beyond WRC-07, arguing that the digital dividend should not be frozen, or limited to pre-determined applications, but rather assessed against all possible uses based on economic and social merits. This suggested the advantage of giving mobile communication services the same allocation status as broadcasting and other possible services, in order to keep all options open. The Commission stressed that such action would not pre-empt any national decision on the digital dividend, but was to be seen as a way to increase flexibility whenever possible. At the moment, the emerging CEPT position provided little opening to support an early move in this context. The Commission therefore indicated that it is interested in understanding in more details the specific reasons invoked by Member States opposing to start the discussion of allocation already at WRC-07.

The **Chairman** invited the RSPG for a "round-table" stock taking of opinions. The discussion revealed that Member States' views can be grouped along three lines.

A first group, argued that a decision at WRC-07 would remove one "layer of uncertainty" and accelerate the pace of discussion on the digital dividend. They further stressed, like the Commission, the importance of removing obstacles to flexibility which they still see despite some flexibility already introduced by the Geneva Agreement (GE-06), and insisted that national choices would not be directly affected by an ITU allocation of the UHF band to the mobile service, but rather enabled. Finally, the point was made that the allocation to the mobile service already existing in other ITU Regions had not been detrimental to the development of broadcasting. Therefore, for this group of Member States, action at WRC-07 is an opportunity, not a risk. In this group, Member States indicated their disappointment with the current orientation of the CEPT preparation process, stressing the importance of ensuring action already at WRC-07.

⁷ Document RSPG07-182, available at http://rspg.ec.europa.eu/meeting_documents/index_en.htm

A second group of Member States, the largest in number, argued mainly that the Geneva Agreement (GE-06) already provides sufficient flexibility to deploy mobile communication services and that there is no urgency to provide additional frequencies to mobile services because there is plenty of unused capacity still available. In addition, a few members of this group justified their reluctance to move ahead by the fact that they would anyway not be able to take advantage of the flexibility of a mobile allocation due to interference constraints imposed on them by neighbouring countries (EU and/or non-EU).

As pointed out by some delegates, the discussion revealed that, to some extent, the two groups may have fundamentally the same long term objective of flexibility, but are diverging on the procedure and timing to get there.

The third and last group, smaller in number, includes Member States that have not yet finalised their position.

At the end of the round-table stock taking, the **Commission** thanked the RSPG for the frank exchange of views and expressed again sympathy for the Member States that are facing the constraints of a late switchover to digital broadcasting and/or interference from neighbouring countries. The Commission reiterated its view that the issue was not merely a technical one but more fundamentally a test case on the commitment of Administrations to move ahead with flexibility of spectrum use, in order to alleviate overall scarcity, and as a "litmus test" on whether RSPG was able to identify overall shared policy approaches separate from technical considerations. It compared the mobile allocation at WRC-07 as a "key" to open the door for flexibility, not an end in itself. It expressed again concerns that those Member States against an opening at WRC-07 were acting to the detriment of the Member States with early switch off dates. The Commission indicated that it will continue to promote its point of view in the run-up to WRC-07, and will address a communication to the Council and the European parliament advocating early action on this matter.

In conclusion of this discussion, at the invitation of the **Chairman** the RSPG reiterated its previous conclusion on this issue, recorded in Section 5.12.2 of the recently-adopted RSPG Opinion on the digital dividend, namely "without further delay and irrespective of any WRC-07 decisions, to pursue within CEPT the studies required to consider and possibly identify sub-band(s) with the objective of developing a non-mandatory decision at European level to facilitate the use of fixed/mobile applications (including uplinks), under certain harmonized conditions to be defined and adopted in the 2007-2010 timeframe."

(6) **Presentation by research project E2R**

The **consortium coordinator, Mr. D. Bourse**, made a presentation of the key findings of the EU research project E2R (End-to-End reconfigurable systems)⁸. With 32 companies and organisations involved and a sizeable budget, this project is the largest known initiative to explore the concepts of seamless, reconfigurable communications, including various "cognitive" functions. It studied in particular the optimum distribution of "intelligence" between terminals and networks. Among several spectrum-related aspects, it was noted that the project pioneered the concept of a "cognitive pilot channel", which is aimed at enabling the dynamic coordination of the various systems in operation. The RSPG showed a general interest in the E2R developments but requested clarifications on several aspects, notably on

⁸ Third party document "Slides of the presentation E2R", available at http://rspg.ec.europa.eu/meeting_documents/index_en.htm

the economic impact and in particular the time horizon when commercial applications are foreseen. Mr. Bourse expressed the view that there is no unique time table, but that elements of the concept should be gradually implemented as technology evolves. Mr. Bourse also announced that the initiative should find a prolongation in a new project E3 which, if approved at EU level, should start later this year.

(7) Initial reflection on strategic issues concerning third countries outside of the European Union

Introduction

The **Commission** provided some background information in order to initiate the discussion on the topic, based on the reflection of document RSPG07-178⁹. The aim was to launch a reflection process on how to deal at EU level with difficulties encountered by EU Member States at the border of the EU territory. The political weight of the EU could indeed benefit those Member States which frequently have to coordinate spectrum usage with neighbouring countries not bound by EU harmonisation measures. In addition, the Commission proposed to also include some issues of a more strategic nature which have an international dimension, such as possible harmonisation initiative.

Discussion and next step

The proposal met general support of the **RSPG** but there were concerns regarding the limits between issues of an operational nature (interference coordination) and those of more strategic relevance. There was a general feeling that the objective description should be refined in this respect and that another iteration of the document would be desirable. There were also doubts expressed about the legal basis enabling the Commission to provide such assistance.

The **Commission** clarified that such procedures to assist Member States were common in other policy areas and that this proposal was not a "vehicle" to build additional EU competencies but rather a genuine offer to use existing EU tools as a matter of pragmatism.

The **Group** concluded that the Commission should revise the paper in the light of the comments expressed during the discussion. It was decided to identify a Rapporteur for this activity as soon as possible, and to readdress the issue at the next meeting.

⁹ Document RSPG07-178 is available at http://rspg.ec.europa.eu/meeting_documents/index_en.htm

(8) 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#12 on 12 February 2007¹⁰.

Presentation by the Commission on the "Single European Sky" and SESAR

The representative of the Commission Directorate-General "Energy and Transport" (Directorate F: "Air transport"), **Mr. Eduardo Morere Molinero**, reported on the latest policy developments in that field as well as on the status of SESAR, a programme aimed at developing the new generation air traffic management systems¹¹. One of the issues at stake is to secure the needed harmonised frequencies for future growth of aviation while significantly improving the efficiency of spectrum use by this sector.

The RSPG welcomed this presentation and encouraged the Commission in its objective of improving spectrum efficiency.

(9) Other matters

In his concluding remarks, the **Chairman** called for candidacies regarding the future appointment of a new Vice-Chairperson at RSPG#14 in November (deadline for proposals: 1 September), communicated the dates of planned RSPG meetings in 2008¹² and announced that the RSPG#15 meeting (which will take place in Stockholm in February 2008) will include a joint session with the ERG/IRG. The latter is an initiative of Mrs Treschow, who is expected to take the chairmanship of the RSPG in November. Mrs Treschow explained that the proposal aimed at creating a closer relationship between the two groups on issues of common interests such as for example fostering a proper integration/coordination of all the required steps to bring harmonised spectrum into use on EU level (various levels of allocation, authorisation/ licensing, assignments, dispute regarding interference issues, etc). Mrs Treschow proposed to host the joint ERG/RSPG session in Stockholm.

The next RSPG meeting (RSPG#14) is scheduled to take place in Brussels on **22 November 2007**.

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¹⁰ Document RSPG07-177, available at http://rspg.ec.europa.eu/meeting_documents/index_en.htm

¹¹ See copy of slides in document RSPG07-181, available at http://rspg.ec.europa.eu/meeting_documents/index_en.htm

¹² Document RSPG07-170, available at http://rspg.ec.europa.eu/meeting_documents/index_en.htm