



Brussels, 22 November 2007
DG INFSO/B4

RSPG07-188 final

REQUEST BY THE EUROPEAN COMMISSION
TO THE RADIO SPECTRUM POLICY GROUP
FOR AN OPINION
ON

BEST PRACTICES REGARDING THE USE OF SPECTRUM BY SOME PUBLIC SECTORS

1. INTRODUCTION

In accordance with Article 4 of the Commission Decision establishing the Radio Spectrum Policy Group (RSPG Decision) and with Article 6 of the provisional Rules of Procedure of the RSPG (document RSPG03-12), the RSPG is hereby requested to develop and adopt an Opinion on the “Best Practices regarding the Use of Radio Spectrum by some Public Sectors”.

2. CONTEXT

Public services are very significant users of radio spectrum, both for historical reasons (they often were the first to deploy new radio technologies, for instance for safety and defence purposes), but also because the services they provide continue to be high priorities for governments, whether delivered at national, regional or local/municipal level. Many of these services also have a clear international dimension, as they require coordination and interoperability between countries.

With the assistance of RSPG, the European Commission has been actively promoting at EU level a coordinated policy on radio spectrum. Given the European Community's main role in fostering the internal market by removing the barriers to free movement of capital, labour, goods and services, the focus to date has been on spectrum used by electronic communications services provided for remuneration.

However, while some (though not all) important public sectors such as defence fall outside the scope of the European Community (the so-called EU “first pillar”) and

therefore of the electronic communications regulatory framework, EU spectrum policy can only be comprehensive and effective if it also gives due consideration to public sector applications, and the way to balance these sectors' interests with other uses, with a view to improve overall efficiency of spectrum use.

3. SCOPE OF THE OPINION

Public sector bodies fulfil general interest objectives. They use radio spectrum in various domains such as defence, public broadcasting, civil aviation, scientific research, emergency safety (police, fire, ambulance, coast guard), public transport, radio navigation by satellite, education, health care and disability.

The RSPG's Opinion is expected to concentrate on three public sectors which could be examined within the existing institutional framework:

- **Defence** (within the Common Foreign and Security policy framework).
- **Emergency and Public Safety service** including PPDR (police, fire, ambulance, coastguard, civil protection).
- **Public transport**, in its various modes of operation.

The focus on these domains takes into account that RSPG has already undertaken activities of relevance to other areas of public use of spectrum (broadcasting, scientific use of spectrum), in particular with its Opinions on spectrum usage by scientific services (RSPG06-144) and broadcasting (RSPG06-143 and RSPG04-55).

4. MAIN OBJECTIVES

The objective of the Opinion is to identify means to encourage a more efficient use of spectrum by public sector bodies, with a view to assist spectrum management authorities in Member States in ensuring that such public sector bodies fulfil their duties more effectively and that scarce radio frequencies are not under-utilised.

Due consideration should be given to identifying appropriate means of fostering a more efficient management of spectrum allocated to public services, and the relationship of this activity with overall spectrum policy goals, in the light of the different existing competences concerning the public sectors under study. The RSPG is requested to formulate input in this respect.

Guidance could concern:

- How to determine objectively the need for radio resources for public use, notably through ex-ante justification and ex-post review mechanisms;
- Practical approaches and possible regulatory implications required to balance public service and commercial spectrum usage interests;
- Practical approaches to deal with competing public service usage interests;
- Proposals for EU activities on research and development, to develop more-spectrum-effective technologies for public uses;

- Recommendations concerning specific sectoral Community policies in the transport area, or emerging areas of EU activity, such as cooperation in civil protection and space;
- Best practices to be considered by individual national entities having responsibility for the public use of spectrum, and as an input in relevant discussions at national level, notably on:
 - The availability of information about the use of spectrum by public sectors for which individual EU sectorial policies exist;
 - Examining the feasibility of the introduction of market-based management tools such as auctions administered incentive pricing, short-term leasing and secondary trading of spectrum;
 - Assessment of the possibility for an active sharing of spectrum between different public, commercial and private sectors;
 - National re-farming mechanisms.

5. ISSUES TO BE CONSIDERED IN THE OPINION

When addressing the objectives of the Opinion mentioned above, the RSPG should consider issues concerning the use of radio spectrum by the public sector bodies, such as:

- An overview and analysis of relevant approaches and best practices in managing spectrum for public uses, as presently pursued at national level by Member States and internationally;
- The institutional set-up and legal competences covering the use of radio spectrum by the public sector at EU level;
- The international context of the use of spectrum by public sector bodies, where public sector uses are often closely linked to international agreements;
- Possible means via which the economic and financial implications of using spectrum are taken into account during planning and budgeting by public sector bodies, with the aim to identify adequate spectrum requirements during the preparation of the procurement of radio equipment / services for public services.

6. METHODOLOGY

- A working group to be convened by the Rapporteur already selected at RSPG#13 is likely to be necessary to fulfil the tasks under this RfO.
- Useful synergies with the Commission Study on “*Optimising the use of radio spectrum by the public sector in the EU*”, with consultants expected to begin work in January 2008, should be considered at the beginning of the work on the Opinion (see indicative timetable below), in order to exploit the added values of both activities and to avoid undue overlaps between them.

- Adequate interaction with other activities of RSPG (e.g. the work on the Opinion on the collective use of spectrum) should also be pursued.
- The working group should develop appropriate contacts with relevant bodies, such as¹ the European Aviation Safety Agency (EASA), the European Defence Agency (EDA), the European Maritime Safety Agency (EMSA), the European Railways Agency (ERA), EUROCONTROL, the European Police Office (EUROPOL), the European Space Agency (ESA), the GNSS Supervisory Authority (GSA), the International Telecommunications Union (ITU) and the North Atlantic Treaty Organisation (NATO).

7. INDICATIVE TIMETABLE

- RSPG#14 (22 November 2007): formal acceptance of the request for an RSPG Opinion. The designated rapporteur can start establishing a working group for this Opinion.
- January 2008: launch of the Commission Study on “Optimising the use of radio spectrum by the public sector in the EU”
- RSPG#15 (February 2008): first report by Rapporteur
- April 2008: workshop organised by Commission Study consultant presenting intermediate results of the Study.
- RSPG#16 (June 2008): discussion on progress of the work and possibly on a preliminary draft Opinion.
- August 2008: final Commission Study report
- September 2008: public presentation of the Commission Study results
- RSPG#17 (November 2008): discussion of preliminary draft Opinion
- RSPG#18 (first meeting 2009): adoption of the RSPG Opinion.

8. ORGANISATION OF WORK

In accordance with Article 10 of the provisional Rules of Procedure of the RSPG, a working group may be established.

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¹ In alphabetical order