



## EUROPEAN COMMISSION

Information Society and Media Directorate-General

Electronic Communications Policy  
**Radio Spectrum Policy**

Brussels, 19 February 2008  
DG INFSO/B4/RSPG Secretariat

**RSPG08-205**

### PROGRESS REPORT TO RSPG#15 27 FEBRUARY 2008

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

#### STREAMLINING THE REGULATORY ENVIRONMENT FOR THE USE OF SPECTRUM

### **Introduction**

A first meeting of the RSPG Working Group on streamlining the regulatory environment for the use of spectrum was held in Paris on 11 February 2008. Twenty five participants attended this meeting from 11 member states and two other EEA countries, EC (DG Entr & DG Info Soc), CEPT, ETSI and EFTA surveillance authority.

The meeting discussed several part of EU regulations which have an impact on spectrum management mainly from R&TTE and ECN&S side and tried to identify areas where streamlining of the regulatory environment may be sought in response to the Request for Opinion adopted in November 2007.

### **Results of the discussion brought forward to the RSPG**

There was a general consensus in the group that negotiations for the definition of technical conditions for spectrum use have to involve all relevant users of spectrum, ie, governmental and non governmental, and all other stakeholders (industry, operators, users).

This process involves three organizations : EC (with TCAM and RSCOM committees), CEPT and ETSI. It results in regulations applying to the authorization to use spectrum (ECN&S) and to the placing of equipment to the market (R&TTE Directive). Due to the different roles and functions of the various involved entities which are not questioned, this complex structure can work properly providing that the tasks to be completed by each organization and the borders between them are clearer so as to avoid conflict of responsibilities. This complexity is also the price to pay for the application of the new approach regime to radio equipment which provides flexibility and light administrative burden for the industry in Europe and which is not questioned.

The conditions and parameters reflecting the balance resulting from the spectrum management process have to be enforced in a way which would ensure at the same time :

- Confidence for all users of the spectrum (ie, including governmental) that conditions and parameters required to ensure compatibility will be effectively met and enforced
- Possibility for technological evolution of both new and incumbent applications

It was noted that recent experience in spectrum management in Europe has shown that there is effectively a lack of confidence in the role of each organization which had the potential to impair innovation. It was also pointed out that the current process is well defined for the initial designation of the spectrum for certain applications and under certain technical conditions but that the process for modifying such technical conditions as a consequence of technological changes in new and incumbent applications is less clear. There is a need to have sufficient feedback mechanisms in the regulatory process to be able to adjust rapidly the technical conditions to the evolution of market (applications, density of use, environment ...).

The group will have to focus its work in the clarification of the current role and mechanism for each organization in ensuring the implementation of spectrum management decision and to recommend solutions for improving confidence, transparency and adaptability.

**RSPG is invited to comment this general conclusion of the group which would be the baseline for the development of the opinion.**

Other areas of investigation have been discussed by the group :

- Ressources dedicated by Member States to market surveillance are not sufficient which has also a negative impact on the confidence on the regulatory regimes to ensure that equipment will comply with the essential requirements and, consequently, to the technical conditions.
- Appropriate scoping of ETSI harmonised standards and of CEPT deliverables are necessary to ensure consistency of requirements applying to different equipment in the same band

- The mechanism of notified body does not achieve today its original objective of fostering innovation and flexibility : on one hand notified bodies do not really use the opportunity to validate sharing solutions other than those implemented in the harmonised standards, on the other hand the risk of having notified bodies validating a sharing solution based on insufficient spectrum management background is used as an argument for remaining conservative in spectrum evolution.
- The European regulatory framework has to take into account external constraints such as the ITU Radio Regulations and the use of spectrum at the EU border.
- The issue of receiver parameters

**RSPG is also invited to identify any particular area of investigation that the group should consider in its discussion**

### **Future work**

A distribution list has been created based on the list of participants to this first meeting. Any other RSPG members wishing to participate to this activity has to inform the Rapporteur (Eric Fournier).

The next meeting of the group is the 8<sup>th</sup> April 2008.