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RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of RSPG#19, 13 May 2009

RSPG #19
Brussels, 13 may 2009

Summary

(1) Introduction to RSPG#19

The RSPG Chairman, Mr Dániel Pataki, opened the meeting and presented an overview of the state of advancement of the annual work programme. He stressed the significant achievements already realised in the short period of time since November 2008. He also expressed his gratitude to the Group for the efforts made to sustain the pace of activities. In his view, the new work programme was instrumental in increasing the focus of the RSPG on key strategic activities. He also reiterated his commitment, to improve external communication. In this context, Mr Pataki, in agreement with his successor from November 2009, **Mr Roberto Viola** (AGCOM, IT), confirmed that the debriefing sessions for the press and for stakeholders will continue to be organised in the future since they facilitate a more direct and efficient communication with external constituencies.

Mr Pataki also noted the approval of the agenda¹.

(2) Digital dividend

Adoption of the Position Paper on the digital dividend and approval of the launch of a public consultation on the related draft Opinion

The Rapporteur for the working group in charge of the digital dividend strategy, **Mr Mike Byrne** (ComReg, Ireland), reported that the working group had fully delivered on its main commitments, namely the development of a Position Paper² and a draft Opinion³. Mr Byrne was very pleased that the initial timetable could be adhered to thanks to the cooperative spirit that prevailed in the group and despite the challenging schedule. He then presented the two documents in detail.

The documents were welcomed and the work achieved was particularly commended by the RSPG Members. The various interventions underlined several specific merits of the current draft Opinion including:

- The fact that the recommendations offer a well "balanced" and objective view of the position of administrations;
- The good complementarities between the work under this topic and the work performed in the context of the Position Paper on wireless broadband;

¹ Document RSPG09-268. This document, as well as all subsequently quoted RSGP documents, are available on the public RSPG web site at http://rspg.ec.europa.eu/ref_doc/index_en.htm

² Document RSPG09-271

³ Document RSPG09-272

- The adequate flexibility that is included in the recommended approach which allows to accommodate the wide diversity of situations in Member States,
- And, last but not least, the timeliness of the availability of these recommendations with regard to the current developments taking place in several Member States considering allocating the 800 MHz band to mobile and fixed wireless networks.

The Position Paper was finally formally adopted. At the same time, **the RSPG** also gave its approval to launch the public consultation on the draft Opinion (the latter with only small modifications of a detailed nature). **The public consultation will start on 18 May at the latest, and last until 30 June.**

Short report on the stakeholders' hearings and the Member States workshop held by the Commission in the context of the Commission study on the digital dividend

A public report for each of these two events is available on the RSPG web site⁴.

The Commission representative, Mr Bernd Langeheine, Director for Electronic Communications Policy, gave an oral report on the main outcome of these events which took place respectively on 6 March and 15 April.

Regarding the stakeholders' hearings, Mr Langeheine mentioned that it has confirmed that there is a lot of interest in the digital dividend but revealed clearly that the majority of stakeholders are still uncertain about the detailed requirements and business models that will prevail on the longer term. He also said that the hearings highlighted the importance of the "white spaces" both in terms of critical resource for the continuation of existing service such as wireless microphones as well as for new uses by cognitive devices for example.

Regarding the Member States workshop, Mr Langeheine thanked the Member States for the constructive and open debate that prevailed at the workshop. It produced useful input as it was the first opportunity to discuss with Member States a range of possible actions that the Commission study is investigating at the moment. A second Member States workshop is being planned for the second half of June [date to be communicated soon] to discuss the results of the socio-economic work by the consultants and their final recommendations to the Commission.

Conclusion by the Chairman

Mr Pataki thanked again all RSPG Members who have contributed to the work, and more particularly Mr Byrne. He recalled that the working group is scheduled to reconvene on 23 July to review the contributions in response to the public consultation and consider possible amendments to the draft Opinion. Mr Pataki mentioned the possible need to move forward the adoption of the Opinion, by holding a mini-plenary meeting in September [on 16 or 17 September, TBC], or possibly by organising a written procedure, to fit in the planning of the preparation of the Commission's proposal. This will be decided in due time.

⁴ Documents RSPG09-282 and RSPG09-283.

(3) **Wireless broadband**

Adoption of the Position paper on wireless broadband

Mr Brice LeCannu (Ofcom, UK) presented the Position Paper⁵, on behalf of the Rapporteur for this activity, Mr Chris Woolford. Mr LeCannu went through the main elements of the Paper stressing the main recommendations, namely:

- To fully exploit the existing spectrum allocations (including the expected additional allocation through the digital dividend and the opening of the GSM900 and GSM1800 frequencies to UMTS and LTE which are hence supported by RSPG);
- To ensure that comparable and consolidated statistics on the take-up of wireless broadband are made available;
- To anticipate on the possible future need for more spectrum by monitoring take up and usage of wireless broadband and ensure a coordinated reaction to those needs (RSPG, RSC mechanisms);
- To aim for harmonised spectrum, on the basis of a service and technology neutral approach;
- To monitor closely the future technology developments and their implications.

The Position Paper was welcomed by **the RSPG**. Several participants highlighted the good coordination between this working group and the working group on the digital dividend, and underlined the merit of having developed the views in this report with the objective of service and technology neutrality insofar as possible.

The RSPG also discussed some aspects of the statistics presented in the Paper and expressed caution with some of the data. It strongly supported the recommendation to ensure the future availability of more reliable data, including at EU level. The Group supported the idea of revisiting the issue of spectrum for wireless broadband from time to time.

The Commission Representative welcomed the Position Paper. He considered that it is a very valuable input in the context of the preparation by the Commission of a Communication on high-speed broadband. This Communication should be adopted shortly before, or right after, the summer break. The strategic importance of wireless broadband solutions will be one of the main topics addressed in this Communication.

Conclusion by the Chairman:

The Chairman acted the adoption of the Position Paper, with minor changes relating to specific statistics in reference in the document. He thanked **Mr Woolford and Mr LeCannu**, as well as all those who contributed to the development of the Paper.

⁵ Document RSPG09-284

(4) Coordination of EU spectrum interests

Approval of the launch of a public consultation on the draft Opinion

The Rapporteur for this activity, **Mr François Rancy**, (ANFR, France) presented the Part 1 of the draft Opinion⁶ and **Mr Eric Fournier** (ANFR), presented the related part 2.

Part 1 analyses the preparatory and negotiations coordination process of previous ITU World Radio Conferences, and make suggestions for future improvements. Part 2 identifies the main themes of the WRC-11 agenda where EU policies and priorities could be at stake. Messrs Rancy and Fournier presented successively the main conclusions of the work of the group, as included in the documents which will be shortly publicly available on the RSPG web site.

Mr Fournier took the opportunity to announce that the Commission and the ECC have agreed, in principle, to organise a joint public workshop in Q1 2010, as part of the process of preparation for WRC-11.

The RSPG agreed to launch the public consultation on the two parts of the draft Opinion. The consultation should close on **15 July**. In response to a question, Mr Rancy mentioned that although the two parts are forming one single draft RSPG Opinion at this stage, the structure could be revisited before formal adoption, in the light of the comments received during the public consultation.

The Chairman thanked Mr Rancy and Mr Fournier as well as the other participants in the working group.

(5) Future revision of the role of the RSPG in the light of the regulatory review

As part of his intervention, the **Commission representative, Mr Langeheine**, mentioned the difficulties encountered in the process of adoption of the new regulatory package. He acknowledged that the current situation creates a degree of uncertainty regarding the timing of a number of issues, including the timing of a revision of the EC Decision establishing the RSPG. The latter depends on the adoption of the new Directives.

Regarding the adoption of the revised GSM Directive, Mr Langeheine expressed the hope that it will be dissociated from the overall discussion on the Review package since it is different in nature, and has been formally accepted by the European Parliament in its first reading phase.

Regarding the specific modifications to the Decision establishing the RSPG, the commitment of the Commission to the European Parliament and Council in the context of the regulatory review is, by the entry into force of the new framework, to:

⁶ Document RSPG09-275 Rev.2 part 1 and 2

- Provide a mechanism for the Parliament and the Council to request opinions or reports, orally or in writing, from the RSPG on spectrum policy relating to electronic communications;
- Ensure that the RSPG can advise the Commission on the proposed content of the multi-annual radio spectrum policy programmes to be proposed by the Commission for adoption by the EP and Council.

Several RSPG Members requested to plan at the next RSPG meeting a specific discussion on the implication of the new role of the RSPG. This proposal was welcomed by the Group. **The Chairman** agreed with, and noted, the request.

The RSPG Chairman concluded that the role of the RSPG will be enhanced as a result of the regulatory review and acknowledged that this is positive but will have consequences on the organisation of work of the RSPG.

(6) Assignment and pricing methods for more effective spectrum usage

The Rapporteur for this work stream, **Mr Márton Ilyés** (NHH, Hungary), presented the progress of activity. At this early stage of the work, all efforts have been concentrated in preparing and issuing a questionnaire to Member States to draw an inventory of assignment procedures and methods. The group also discussed the scope of work and agreed that the project should mainly focus on the use of spectrum for commercial applications. The group plans to deliver its final report at RSPG#20 in November.

The progress report was accepted by the meeting. RSPG members stressed the importance of allocating sufficient time and resources to be able to fully exploit the valuable and voluminous data collected via the questionnaire addressed to Member States.

Following a request from an external stakeholder, the meeting also discussed the possibility of opening the participation in the working group to other parties besides national administrations. The RSPG finally decided that such participation would not be appropriate.

The RSPG agreed to the way forward as proposed by the Rapporteur.

(7) Joint RSPG/ERG activity on "new competition challenges resulting from a more flexible management of spectrum"

Adoption of two Reports

Mr Marcus Boklund (PTS, Sweden), Rapporteur for this activity, presented the two draft Reports submitted for adoption:

- The draft Report I⁷ on competition issues arising from the transition towards more flexible radio spectrum management for electronic communications networks and services;
- The draft Report II⁸ on the management of radio spectrum in order to avoid anticompetitive hoarding.

Regarding the practical use of the Reports, Mr Boklund indicated that the Report I on transitional issues should be most relevant in situations related to the digital dividend, the reorganisation of the 900 and 1800 MHz bands once the revised GSM directive is adopted, and possibly also in relation to spectrum used for Fixed/Broadband Wireless Access (FWA/BWA). The Report II is a "tool box" to assist on competition issues mainly in the context of primary assignments and spectrum trading.

The RSPG acknowledged the good quality of the two Reports. Some RSPG Members stressed that the Reports should be seen as a contribution, or guidelines, and in no way as a definitive legal reference or benchmark as the purpose of the work was mainly to exchange current national practices which are by nature conforming with the diverse national situations and constraints. **The RSPG adopted the Reports** with minor modifications. The Reports have now to be adopted by the **European Regulators Group (ERG)**. It is intended to make these reports public once adopted by ERG.

The Chairman thanked **Mr Boklund** for the good results and also **Mrs Treschow** for having taken the initiative to launch this first joint ERG/RSPG activity during her chairmanship, a bit more than a year ago.

Next step

The Vice-Chairman, Mr Roberto Viola, accepted that AGCOM takes the lead for the development of the **third**, and normally last, **Report** which will concentrate on the issue of "market definition" in relation to services relying on spectrum access.

(8) Cognitive radio

The Rapporteur for this work stream, **Mr Fokko Bos** (Ministry of Economic Affairs, Netherlands) gave a detailed overview of the status of the work. Two meetings of the working group have already taken place and more than ten Member States are involved in the work. Although the RSPG work programme foresees the delivery of an Opinion, the group believes that the current work leads itself better towards a Report. This does not preclude producing an Opinion later. According to the working group, the Report should include:

- A review and clarification of the terminology used (i.e. Cognitive radio systems, Software defined Radio, etc);
- An overview of various components of cognitive technologies (sensing the environment, information gathering, databases, cognitive pilot channel, learning

⁷ Document RSPG09-277

⁸ Document RSPG09-278 Rev.1

capabilities etc.) and a brief overview of the experiences and lessons in Europe and elsewhere with (pre-)cognitive technologies

- A reflection on the way in which cognitive technologies could operate in the various models for spectrum management;
- A summary of the US framework for ‘whitespaces’ as well as an identification of the major differences between the US and EU situations, including possible actions to ensure timely regulatory responses in the EU;
- An outline of challenging issues which should require further attention.

The next meetings of the working group are planned for 3 July (in Mainz, Germany) and 10 September (place to be decided).

The RSPG endorsed the way forward as proposed by the Rapporteur and in particular the development of a Report instead of an Opinion. The RSPG further requested to set up an inventory and short overview of the ongoing Community research project related to cognitive radio, limited to those being relevant from a regulatory or spectrum policy perspective. The Rapporteur agreed to that request, and the Commission accepted to assist in this activity.

The Chairman closed this agenda item by thanking the Rapporteur once again for his efficient leadership in this activity.

(9) Report on Commission activities in radio spectrum policy

Report on Commission activities in radio spectrum policy

Mr Pearse O'Donohue, Head of Unit for spectrum policy, gave an overview of the relevant activities in radio spectrum policy since RSPG#19, also available in the form of a written report⁹.

Short presentation by Mrs Treschow on the recent developments in Sweden regarding the preparation of the opening up of the 900/1800 MHz to other technologies than GSM

Mrs Treschow presented an overview of the recent decision regarding the 900 MHz band taken in Sweden in response to a joint proposal submitted last November 2008 by the mobile operators (all the Swedish GSM and 3G operators). The decision agrees with most elements of the proposed reorganisation of the band between operators but imposes important conditions among which the requirement to keep the same level of service coverage as is currently the case for the GSM service, and this for at least the next five years. The decision follows a public consultation which revealed a wide support. The timing of this decision is partly justified by the fact that the current GSM licences are going to expire in 2010. Mrs Treschow finally clarified that, for practical reasons, the transfer of frequencies in the 900 MHz band to the only exclusive 3G

⁹ Document RSPG09-280

operator will occur after a first phase of reshuffling of frequencies between the current users of the band.

(10) Other matters

Following a proposal by the Chairman, the **RSPG approved the list of documents** eligible for **public access**. The Chairman also informed the Group about the dates of the plenary meetings in 2010 and announced that an improved version of the RSPG web site, including all recent public documents, will become operational in the coming days.

The Chairman informed the RSPG that a **press release** was to be issued at the end of the meeting and summarised the key messages that he was planning to convey at **RSPG debriefing sessions**, respectively with the press and with stakeholders.

The Commission informed the RSPG on a forthcoming **EU ASEAN workshop on spectrum** which will take place in Thailand on 30-31 July 2009, and called for manifestation of interest to participate as speaker.

The Chairman called for candidacies regarding the future appointment of a new **Vice-Chairperson** at the next RSPG meeting in November.

The **next RSPG meeting** (RSPG#20) is scheduled to take place in Brussels on **Thursday 5 November 2009**. As mentioned in the report, there is a possibility of an additional plenary meeting before RSPG#20 [in September, to be confirmed].

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