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PROGRESS REPORT OF THE RSPG WG ON COORDINATION OF EU INTERESTS
(PARIS, 2ND SEPTEMBER 2009)

Contextual elements

The working group met the 1st September to analyse the responses to the public consultation on the proposed RSPG opinion concerning the coordination of EU interests and to finalize this opinion.

The EC representative explained the reasons for having changed the date of this meeting (originally planned on 28th September) in relation with the need to better prepare the spectrum policy programme which will have to be defined in accordance with the new framework directive currently under conciliation phase. An adoption of the opinion at an extraordinary RSPG meeting in September was envisaged together with an EC communication on this issue to be released in October. At this point, the EC does not intend anymore to release a communication on this issue in October 2009 but rather in spring next year at the earliest.

The EC wishes to organize a consultation with the Parliament, the Member States and maybe participation from the industry. This consultation would be the starting point for discussing the spectrum policy programme. No date is yet fixed, but the target is mid-December.

Discussion concerning the public consultation and the revisions of the draft opinions

The group agreed to have two different opinions instead of two parts of a single opinion. The first Opinion is entitled “Preparation of ITU World Radiocommunication Conferences”, and the second Opinion “Main themes of WRC-12 of interest for EU-wide support”.

This approach will facilitate the evolution of the second opinion, which will have to be updated or completed before WRC-12, as was the case for the Opinion on WRC-07, and should be the case for Opinions on future WRCs as well. It will also avoid any confusion between the preparation of WRCs in general, irrespective of their specific agenda, and the preparation of any given WRC, in relation to its specific agenda.

The group reviewed the responses to the public consultation and the summary of responses submitted to the meeting. The document was slightly modified to clarify some of the descriptions of the responses. This document is attached to this Report.

The opinion on WRC preparations was reviewed based on the input document addressing the issues and proposals from the public consultation and on further proposals from the participants to the meeting. The final text is submitted to RSPG for adoption, with square brackets around recommend 6, since the meeting could not agree on this text that Luxembourg considers as being related to a specific WRC-12 agenda item and not appropriate to the general WRC preparation process.

The opinion on “the Main themes of WRC-12 of interest for EU-wide support” was reviewed based on an input document addressing the issues and proposals from the public consultation and on further proposals from the participants to the meeting. The final text is submitted to RSPG for adoption.

ATTACHMENT

Public Consultation on Draft RSPG Opinion on WRC preparations

Overview of Responses

1. INTRODUCTION

There were 8 responses to the public consultation, 2 from operator organizations (GSMA, ETNO), 3 from operators (Orange, Telecom Italia, Telefonica), 1 from a broadcaster (Mediaset), 1 from a coalition of companies, organizations and individuals (Open Spectrum Alliance), 1 from an administration (Luxembourg).

All responses were generally supportive of the two parts of the opinion.

There were very few comments relating to part 1, except for stressing the importance of industry participation and some proposed revision of the text from Luxembourg and OSA.

Concerning part 2, most respondents are commenting agenda item 1.2 and agenda item 1.17, with Luxembourg proposing a detailed modification of the text. There does not seem to be serious difficulties with the definition of EU interests as defined in the draft opinion, rather different emphasis.

2. SUMMARY OF RESPONSES

The summary given below is provided only for helping discussion and can not replace the complete texts of the responses which were submitted.

Concerning part 2, some comments were not mentioned in cases where they were in line with the proposal of the draft opinion or where it was just to indicate a support for the studies.

Orange :

General support to the opinion, including support to the existing WRC preparation process, to the workshop and to the guidance in the spectrum policy programme.

Request to further emphasize the involvement of industry in the coordination of EU spectrum interest and suggestion to involve industry in bilateral meetings between CEPT and other regional organizations.

Concerning specific agenda items :

- 1.2 : RR not only to protect existing services but also to facilitate the introduction of current, emerging and future radio applications taking into account the digital convergence trend.
- 1.17 : suggestion to promote the inclusion of other EU countries in 5.316A
- 1.18 : RNSS should not place undue constraints on IMT systems above 2500 MHz
- 1.25 : no allocation for MSS below 4 GHz

Telecom Italia :

General support to the opinion, including support to the existing WRC preparation process, to the workshop and to the guidance in the spectrum policy programme.

Request to further emphasize the involvement of industry in the coordination of EU spectrum interest.

Concerning specific agenda items :

- 1.2 : need for right level of flexibility with allocations compliant with RR, even for SDR and cognitive, global harmonisation may be fundamental, avoidance of interference and protection of investment
- 1.10 : NOC
- 1.17 : cross-border issues have to be addressed
- 1.25 : protection of terrestrial services

GSMA :

General support to the opinion, including support to the existing WRC preparation process, to the workshop and to the guidance in the spectrum policy programme. Emphasis on consensus building and inter-regional cooperation.

Concerning specific agenda items :

- 1.2 : support the introduction of more flexibility as long as it is not counterproductive to the objective of worldwide harmonisation and interference free operation of radio services
- 1.4 : Concerns about compatibility issues at 960 MHz
- 1.17 : favouring NOC in the Radio Regulations on this agenda item
- 1.18 : IMT above 2500 MHz is to be protected against interference from RNSS
- 1.25 : the band 3.4-3.6 GHz was identified for IMT by WRC-07 and will continue to be used by terrestrial mobile service
- 8.2 : item for WRC-15 on new spectrum for mobile service/IMT-Advanced

Telefonica :

General support to the opinion, including support to the existing WRC preparation process, to the workshop and to the guidance in the spectrum policy programme. Emphasis on consensus building and inter-regional cooperation.

Concerning specific agenda items :

- 1.2 : support the position but technical issues and harmonisation questions have to be addressed and make a relationship with spectrum trading
- 1.4 : concerns about compatibility issues at 960 MHz
- 1.17 : safeguarding mobile interests
- 1.18 : IMT above 2500 MHz is to be protected against interference from RNSS
- 1.19 : Concerns about protecting existing investment and unauthorized download of software
- 8.2 : item for WRC-15 on new spectrum for mobile service/IMT-Advanced

Mediaset :

Concerning specific agenda items :

- 1.2 : neutrality of service shall not prevent administrations to choose between services, interference issues are to be solved before introducing a service. Social aspect of broadcasting. Importance of the investment for transitioning to DTV.
- 1.17 : administrations should have the choice to keep using the sub-band for broadcasting. GE-06 provisions for broadcasting protection should continue to apply

Luxembourg :

Part 1 : Item 6 of the opinion (“more flexible allocation in the RR”) should be moved to part 2

Part 2 :

At the first paragraph of the last section of Part 2 “Introduction of more flexibility in the International regulatory framework”, Luxembourg proposes to complete the text of the first sentence as follows: “In the ITU, like at European or national level, there is a strong willingness to ensure the maximum possible flexibility in allocating frequency bands to services while ensuring the protection of existing services including those services operated in other countries under agenda item 1.2.”

Moreover Luxembourg proposes to insert at the same paragraph a new second sentence which would read as follows: “Such flexibility should of course be subject to the outcome of the necessary compatibility studies to ensure the coexistence of different services/applications in the same band without harmful interference.”

ETNO :

General support to the opinion, including support to the existing WRC preparation process.

Concerning specific agenda items :

- 1.2 : flexibility as long as it does not conflict with harmonisation and interference-free operation.
- 1.10 : NOC
- 1.17 : NOC for the mobile allocation
- 1.19 : Studies before any change
- 1.25 : allocation to MSS only if justified and without impacting other services
- 1.22 : NOC
- 8.2 : item for WRC-15 on new spectrum for mobile service/IMT-Advanced

Open Spectrum Alliance :

Recommend that significant spectrum across all bands be made available under a general authorisation regime either on (co-)primary or secondary basis 2) new licenses explicitly reserve the right to secondary cognitive use when assigned channels are not used by the license holder or not assigned to a license holder in a geographical area.

Part 1 :

add "...and endeavouring towards increasing spectrum efficiency" at the end of noting 1

add c) in recommend 1 : "c) making the ECPs transparent from the beginning to avoid confusions and deadlocks at the later stage"

Recommend 6 : add an emphasis on Open/Common Spectrum

Add a new recommend : "The licensee should not restrict the use of the spectrum when not using it by themselves and the applications/software/hardware restriction do not apply when the spectrum is used by others when the licensee is not using it."

Part 2 :

1.2 : would prefer options 2, 3, and/or 4 in annex 1 of Resolution 951

1.19 : some support for the concept of CPC