



EUROPEAN COMMISSION

Information Society and Media Directorate-General

Communications Services: Policy and Regulatory Framework
Radio Spectrum Policy Group
RSPG Secretariat

Brussels, 28 January 2010
DG INFSO/B4/RSPG Secretariat

RSPG10-313

REPORT ON THE PUBLIC CONSULTATION ON THE DRAFT WORK PROGRAMME 2010

1. Summary of the answers received

The consultation ran from 21 December 2009 to 21 January 2010. Twelve answers were received, whose main points are summarised as follows.

MOTOROLA

Regarding the Multiannual Radio Spectrum Policy Programme, Motorola agrees with the aim of the work, and adds a suggestion to include a societal oriented policy objective consisting in the development of a coordinated spectrum platform for the benefit of the European PPDR response forces. The same attention to PPDR should be devoted in the Digital Dividend item, where Motorola suggests to develop the 2007 Opinion where it identifies the band on DD also for PPDR possible use. Regarding the work on Cognitive Technologies Motorola suggests the work to liaise with ETSI and that the C band should be considered as a target band for those technologies. For the rest Motorola is in general supportive of the proposals as they stand.

TELECOM ITALIA

Telecom Italia, while completely supportive of the work programme and objectives of RSPG, stresses firstly the need that regulatory measures be supported by evaluations and evidences by the recognised European normative bodies, such as CEPT and ETSI, in particular when dealing with a multi-operator context.

Telecom Italia would also like all RSPG deliverables be subject to public consultation. In particular this would be very important in developing the multiannual spectrum policy programme, where public hearing and consultation should be organised for the most prominent issues. In particular opinion of the industry should be considered in the discussion about the development of technology and service neutrality, flexible spectrum management and spectrum

trading. The same suggestions of increased industry participation is put forward in relation to the EU participation in international negotiations.

As to the Digital Dividend Telecom Italia supports a coordinated move towards the gradual use of more efficient and more versatile terrestrial broadcasting technologies. In this respect Telecom Italia does not believe CT are mature enough to alleviate spectrum scarcity problems and attention should be given to other technologies, in collaboration with CEPT and ETSI. Regarding the joint RSPG-ERG work of competition impacts of spectrum management, Telecom Italia suggests to include also the management of the transition to the spectrum regime defined in the new regulatory framework, in terms of for example service neutrality, flexible spectrum management and spectrum trading.

GSMA EUROPE

GSMA Europe makes the following observations. All RSPG documents to be developed in 2010 including the multiannual RSPP opinion should be open to public consultation. The RSPP in particular should include a harmonised roadmap for the release of spectrum. In particular RSPG should aim to accelerate the harmonised deployment of available spectrum, including the 800 MHz band, to facilitate a smooth transition to the next generation mobile service, universality and competition. An item should be added to the Work Programme regarding Member States granting individual rights of use for cognitive radio based systems, and also the Working Group on Wireless Broadband should be revitalised. Regarding the work on competition aspects GSMA is concerned that RSPG devotes too much effort on issues that are primarily responsibility of individual Member States.

EBU TECHNICAL

EBU is very supportive of RSPG Work Programme and stresses the fact that the item on Digital Dividend should also take into account the implications of the EU initiatives on broadcasters (i.e. cost of evacuating the 800 MHz band, interference issues, constraints for further developments of terrestrial broadcasters) and manufactures (i.e. for investments in new equipment and services). Furthermore regarding the item on Radio Broadcasting EBU is happy that RSPG can play an important role in facilitating EU initiative for developing digital radio.

BT

BT agrees with the work items in the programme and observes that all items are closely inter-related and should be developed in a coherent manner. Specifically in the item on Digital Dividend BT suggests to include the consideration of the issue of the limited amount of licensed mobile spectrum available, given the vast number of potential interested parties. On the Technology item BT suggest to add new work streams on the impact of femtocells.

Dr Martyn Roetter (USA)

This answer seems out of context in respect of a commentary of the Work Programme. The respondent advocates a reform of the EC decision on 2.6 GHz (2008/477/EC), being, at the respondent's thinking, illogical because, by allowing the flexible use for TDD and FDD modes, it would contravene to the same technological neutrality principle it says it follows. The paper submitted explains in details the reasons behind this statement. In short the flexibility of market driven TDD/FDD reciprocal allocation would be at detriment of interference management and efficient use, when seen in a collective environment, and so would constrain technology more than in the case of fixed allocation. Furthermore this would have the effect of jeopardising the European harmonisation of spectrum use in this band.

Qualcomm

Qualcomm considers mobile broadband a key development item and spectrum harmonisation fundamental to achieve that development. Qualcomm suggests some items to be developed or added to the work programme: Digital Dividend (EU wide allocation and release of the 800 MHz band and extension of the digital dividend band below 800 MHz), L-Band (strategic review and harmonisation), 2.3 GHz (strategic review and harmonisation); C-band (strategic review and reengineering for use with IMT-advanced systems).

Telefonica

Telefonica generally agrees with the items and objectives of the draft programme. On RSPG, deemed one of the most important item in the programme, Telefonica suggests to include further work on increasing the availability and harmonised use of Digital Dividend for mobile services, and would be happy RSPG opinion be subject to public consultation. On Digital Dividend Telefonica agrees that RSPG should concentrate on supporting the EU roadmap. Telefonica also suggests that also the Report on competition aspects be subject to public consultation.

Vodafone

Vodafone believes it is important for RSPG to develop an overall spectrum strategy for the uptake of mobile broadband, especially in rural areas. To reach this objective, and specifically regarding the RSPG item, Vodafone believes RSPG should develop a detailed view of the overall demand for spectrum. Since the identification and release of spectrum is a multiannual and multi-stage process, a more strategic approach is needed. Further, RSPG should deal with the currently ambiguous, according to the respondent, framework for license renewal, especially for mobile, where national practices diverge, and also should consider assessing a regime of tradable perpetual licenses.

Regarding Digital Dividend Vodafone retains that RSPG should develop ways to extend the band below 790 MHz. Regarding competition aspects RSPG should considers ways to avoid excessive fragmentation of spectrum. Since available band is getting smaller and new wide carrier technologies are getting more efficient, RSPG could examine options for licensing models which would allow collaborative use of larger channels by several operators. Analysis

and guidance to regulators on the way spectrum caps are applied and how well they meet long term policy objectives are also needed from RSPG, as well as guidance on possible remedies to avoid market distortions as a result of refarming.

On the technology area Vodafone suggest that RSPG work on cognitive radio should also focus on an approach based on spectrum property rights, a regime currently studied in the relevant CEPT groups.

VPRT

They wish to comment especially on the Radio Broadcasting issue, where they are concerned about the fact that RSPG is considering a target date for analogue radio switch off. Nevertheless they see the merit of thinking about the future of Band II which comply with the provision of GE84 agreement and ensure FM services are able to operate. Actually VPRT believe Band II with FM would be the most important transmission means and remain the basis for commercial private radio stations for a long future. FM is also important in case of catastrophe, including because the receivers are easily battery operated. Then FM band is also very heavily used and reception is possible also in very difficult propagation circumstances. Given this VPRT supports a conversion to digital assignment if the FM transmission can be maintained without limitations and interferences, and considers that an international replanning of Band II is not needed.. In any case an evaluation of the economical and financial factors would be needed.

ESOA – SAP REG

They first congratulated RSPG for the excellence of past work and their new central role in providing expertise and guidance on all spectrum policy matters. On merit, they advocates that RSPG work is consistent, coordinated and ensures synergy with other relevant European and international groups for spectrum matters, in particular by taking stock of technical work of CEPT and coordination work of ITU. Furthermore they wish RSPG work to favour harmonised spectrum use for satellite services and to refrain from changes to spectrum allocation/assignment that would degrade the service level of satellites. In this regard, they ask about the alignment and streamlining of EU administrative procedure for satellite operators. On RSPP they would like RSPG to release their final opinion only after the Spectrum Summit, where ESOA and Sap Reg will have submitted their views. In this context RSPG should anyhow take account of political, cultural, social and strategic aspects and of all conflicting needs of spectrum users.

On the EU participation in international negotiations they note that protection of existing services, including those operated in countries outside Europe, is critical, and so changes in spectrum allocation should be only based on agreed appropriate compatibility study aimed at ensuring coexistence of different services/applications. Finally they stress space policy as one of the main Community policy to be supported in WRC12.

Finally the respondents believe that RSPG should promote a harmonised implementation of the new package by advising the EU in its spectrum related provisions, and that further work should be devoted to wireless broadband.

ETNO

ETNO believes that the RSPG work should provide guidelines for the evolution of the electronic communications regulations, improving the work developed in previous years. In particular ETNO thinks useful to continue monitoring and supporting wireless broadband, that should be added to the programme. ETNO believes also important to give all stakeholders the possibility to comment on RSPG deliverables, especially the RSPP one. On competition aspects ETNO advocates the need to study the issues of potential low number of authorisations deriving from new wide carrier technologies, and on technology area, they believe CT technologies for the time being are not appropriate solutions for a more efficient spectrum management. For the rest in general ETNO fully support the items in the work plan and their objectives.

2. RSPG overall evaluation

All in all the respondents showed to be content with the proposed work items and with the objectives of RSPG with the 2010 Work Programme.

Coming to the specific suggestions, on the RSPP there was the proposal to include an item devoted to the development of PPDR systems through a policy objective. An other suggestion was to develop a view regarding the evaluation of a long term demand for spectrum. It is felt that these proposals should be initially left to the Working Group, like any other item to be considered for the RSPP.

For the suggestions of introducing new technologies or better technology platforms to complement the activity on CT, the proponents do not suggest any example, nor did any such alternative was raised in the parallel consultation on the CT report developed in 2009. Since the work on CT will continue also in 2010, any development in this area could be brought upon in this context and re-examined by RSPG in the coming future.

The issue of Wireless Broadband is mentioned among the possible areas of development. But it should be considered that this item has an horizontal nature, so this topic will be in any case developed in a number of work items, such as, and not exclusively, RSPP, DD and the joint work on competition aspects, as the same participants have shown to recognise. Adding a new Group, at this stage and with this Work Programme, would have the risk of wasting effort and complicate the overall work.

Regarding the proposal to include in the work programme the consideration of an authorisation regime for granting individual rights of use for cognitive radio based system, the issue potentially seems to be able to complement the areas already under examinations in the Working Group (a model based on collective use of the spectrum and a model based on trading or leasing), so the comment is to be passed on to the Working Group on CT, together with the suggestion to further consider the approach based on property rights as studied by CEPT.

As to the suggestion of addressing the potential shortage of mobile licenses in the 800 MHz band, the item is to be examined in the context of transitional issues in the WG on competition aspects, as the proponent itself suggested.

As to the suggestion of adding a third work stream in the Technology Area devoted to femtocell and analysing their impact on spectrum requirement and spectrum sharing, it is felt that this technology and its impact are already under consideration in a number of other contexts, such as in the reports of the joint group on competition aspects, and that in general, as such, does not seem at this stage to be closely a matter of policy.

Regarding the proposal to assessing the possibility to extend the Digital Dividend below 790 MHz, the issue is highly controversial and was only briefly touched in the 2009 Report, and ideas around this issue should still have to mature. The proposal to study the L-band is already in the current programme in the technology area and the proposals to extend the study also on 2.3 GHz and C bands fall within the remit of the 2009 Report on Wireless Broadband. Regarding some suggestion about studying spectrum caps and the possible distortion of the market after refarming, these are already in the programme under the competition aspects.

Regarding all the other proposals on adding the authorisation issues, such as license renewal, tradable perpetual licensing, including collaborative use of large channel for mobile services, they all seems interesting to develop. However RSPG areas of interest does not usually include authorisations, and this year's programme is already consistently built; it is felt at this stage that these ideas are worth considering for a future work programme.

Regarding the suggestions and consideration on the work item on radio broadcasting these are passed on to the relevant group to consider.

The respondents have also brought upon one general remark, namely the call for an increased transparency and participation in the RSPG work and the need for RSPG to consider more industry input. We must recall that the Group is first a consulting group to the Commission, but that RSPG on his own generally consults on the most important opinions an reports, before the final publication, taking into account also the constraints of the schedule needed for providing timely deliveries. So strictly speaking the participation of industry and other stakeholders in the spectrum policy development is already guaranteed and the general level of transparency and participation is reasonably high. However the RSPG registers this need from industry for transparency and participation and this will be considered and likely be included in the revision of the Rules of Procedures.

In conclusion it is proposed for the Group to take note of the general acceptance of the workplan by the stakeholders and therefore to approve the RSPG Work Programme as it stands, with only the minor modifications deriving by the new time plan and focus of the RSPP opinion. The various specific suggestions can be passed to the relevant working groups for their consideration.