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## **RADIO SPECTRUM POLICY GROUP**

**Subject: Chairman's Report of RSPG#7, 16 June 2005**

**RSPG #7**  
**Brussels, 16 June 2005**

Summary

**1. Introduction to RSPG#7 and address by EU Commissioner Mrs Viviane Reding**

Mr. Michael Goddard, Chairman of the Radio Spectrum Policy Group (RSPG) and Director for Spectrum Policy at Ofcom (UK), opened this seventh plenary meeting of the RSPG by **welcoming Mrs. Viviane Reding, EU Commissioner responsible for Information Society and Media.**

Mrs. Reding declared that she was particularly pleased to meet with the RSPG for the first time and to share her vision with the Group so early in her new term as Commissioner for Information Society and Media. She referred to the recent adoption of her **new strategic policy initiative for a knowledge-based and mobile information society, called “i2010”**. In this initiative, Mrs. Reding proposes to create an **open and competitive single market for information society and media services**, as an essential element of the renewed **Lisbon partnership for growth and jobs**. There is one priority in this initiative which is of particular interest to the RSPG, namely the **need for a more efficient spectrum management policy in Europe**. With this objective in mind, the Commissioner announced that the upcoming second spectrum report will consolidate ongoing actions and set out a coherent strategy for the way forward. She also added that the opinion of the RSPG has been, and will continue to be, a major input to the development of the Commission approach in spectrum policy.

The Commissioner proceeded by congratulating the Group on the results achieved so far, most particularly on secondary trading, on flexibility aspects, and on digital switchover. On secondary trading, she announced an imminent **Communication to Council and Parliament calling for a minimum level of consistency and even some convergence between national approaches**. She said that the RSPG had been instrumental to remove some of the doubts existing a year ago in several Member States and to pave a way for the emergence of spectrum markets in the Union.

Mrs. Reding expressed the importance of accompanying spectrum trading by more **flexibility of use**, as it is already discussed in the RSPG Opinion regarding a coherent spectrum framework for wireless access platforms<sup>1</sup>. She urged the Group to make rapid progress on this issue as it goes hand in hand with spectrum trading and other current issues such as IMT-2000 extension bands.

Regarding the digital switchover, the Commissioner indicated that the RSPG had already influenced the second Communication on accelerating the digital switchover. She also announced that some of the RSPG recommendations will be taken onboard in

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<sup>1</sup> Reference to the RSPG Opinion in preparation on spectrum for WAPECS (document RSPG04-45 available at [http://rspg.groups.eu.int/documents/meeting\\_documents/index\\_en.htm](http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm))

the upcoming **Communication on the preparation of the ITU conference RRC-06**<sup>2</sup>. Mrs. Reding also welcomed the progress of the RSPG on the preparation of the ITU conference WRC-07.

Mrs. Reding devoted the last part of her address to mention a few challenges for which she would welcome the advice of the RSPG in due course. Among those, were:

- harmonisation of the definition of spectrum rights/ownership in order to facilitate the introduction of pan-European services relying on spectrum availability;
- the role of spectrum “commons” to get the most out of new technologies;
- impact on markets and innovation of various national approaches regarding fees and taxes applied on spectrum licenses.

Mrs. Reding further assured the Group that the Commission intends to adopt a step-by-step approach to the reform process, and work further in partnership with the Member States, and with the RSPG in particular, to enact a **pro-innovation EU spectrum policy** which should be based on three main foundations:

- **Low entry barriers** for industry to assist the current dynamics of technology evolution. This will in turn ensure greater flexibility and freedom of choice for consumers;
- **A gradual policy convergence in spectrum regulations** to reflect the ongoing technology convergence, notably between broadcasting and mobile communications;
- **A fully functioning internal market for spectrum-based equipment and services**, relying on proper EU coordination of policy approaches, and on common regulations when appropriate

The Commissioner concluded by saying that she has a high expectations in the capacity of the RSPG to help the Commission to identify the best strategies and the best timing to deliver on spectrum reforms<sup>3</sup>.

The Chairman thanked the Commissioner for her intervention and particularly for her recognition of the work of the Group. The Chairman described Mrs. Reding’s objectives as “ambitious and challenging” but expressed his personal agreement with the list of priorities as set out by the Commissioner and hoped that the RSPG would respond positively to those challenges.

After departure of the Commissioner, the meeting agenda<sup>4</sup> was adopted as a formality.

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<sup>2</sup> This Communication is planned for the second half of 2005.

<sup>3</sup> The full text of Commissioner Reding is available at <http://europa.eu.int/rapid/pressReleasesAction.do?reference=SPEECH/05/374&format=HTML&aged=0&language=EN&guiLanguage=en>

<sup>4</sup> Document RSPG04-77 available at [http://rspg.groups.eu.int/documents/meeting\\_documents/index\\_en.htm](http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm)

2. **Progress of the RSPG Opinion on a co-ordinated EU spectrum policy approach regarding spectrum for Wireless Access Platforms for Electronic Communications Services (WAPECS)**

*Status of the work in progress*

The "rapporteur" for this activity, Ms. Isolde Goggin, Chair of the Irish Commission for Communications Regulation, gave an **overview of progress achieved since RSPG#6**.

First of all, the Group committed at RSPG#6 to produce an **explanatory note** providing a "simplified" overview of the "spectrum for WAPECS" concept. Mrs. Goggin confirmed that the information note has been produced and is now available on the public RSPG web site<sup>5</sup>.

The responses to the questionnaire to obtain information from national administrations have been collected electronically via the online web system put in place by ComReg. **The response rate was particularly high** since, by the closing date, 343 responses had been received from 23 Member States. This valuable information has been compiled, analysed, and summarised by the Irish administration in view of serving as a factual basis in the preparation of the Opinion.

**An initial draft opinion prepared by the Rapporteur was presented for discussion within a "drafting" group in April.** After discussion and amendment of the initial draft opinion the drafting group members submitted a number of comments by email, most of which have been incorporated into a "stable" draft for consideration by the RSPG.

As comments were received after the "drafting" group meeting, it was not possible to subject the draft opinion to a formal consensus procedure by the "drafting" group. Instead the Opinion has been developed on the basis of comments received following the drafting group meeting. Inevitably this means that it has not been possible to take every comment on board but the draft Opinion represents a balanced incorporation of the various views and recommendations expressed.

*Discussions of the proposed draft Opinion by the RSPG*

**The RSPG supported the overall thrust of the draft Opinion** and agreed that it addressed the issue at an appropriately high strategic level but several Member States were not ready to commit to conclusions at this stage. They asked for more time to discuss the issue before public consultation. The Group agreed that there was a benefit in having a wide "spectrum package" covering a range of services and frequencies. This approach reflects the fact that, as technologies and applications evolve, the same spectrum may be used to deliver a range of services and that the concept of "exclusivity" in delivering one service in one frequency band should no longer be the predominant model in the long term.

As far as more specific aspects are concerned, some Administrations felt that some of the recommendations were not sufficiently mature, or that there was a lack of genuine

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<sup>5</sup> Information note on Wireless Access Platforms for Electronic Communications Services (WAPECS) available at [http://rspg.groups.eu.int/doc/whatnew/wapecs\\_info\\_note2.pdf](http://rspg.groups.eu.int/doc/whatnew/wapecs_info_note2.pdf)

consensus on the precise meaning of some of the solutions proposed. The paper should not therefore suggest the views expressed as representing the consensus of the RSPG. There was however agreement that the work on WAPECS, which had been identified as a high priority in the RSPG's Work Programme and by Commissioner Reding, should not be unduly delayed. **The Group therefore agreed to make progress on these issues in parallel to the public consultation planned during the summer.** Member States would be invited to contribute as well as industry and other stakeholders. It is expected that the responses to the public consultation will help the progress of the RSPG towards its final Opinion which it hopes to adopt at its meeting in November 2005. Due to the political importance of this subject, a further 2-day drafting meeting is tentatively planned for end August in Paris and after the results of the public consultation are available a meeting dedicated to the preparation of this Opinion is envisaged in early October.

**The Group finally agreed on the text to be seen as a working document and to be submitted to public consultation during the summer.** This consultation should start at the end of June and last until mid September.

#### Next action

In summary, the next actions are:

- Revised working document to be issued to Member States on 17 June and for public consultation on 24 June
- public consultation on issue paper (summer 2005, with a deadline for comments in mid-September)
- 2-day meeting aimed at further clarification and development of views (end August)
- meeting to prepare a revised draft Opinion taking into account the results of the consultation (beginning October 2005)
- consideration of a final draft Opinion at RSPG#8 (November 2005)

### **3. RSPG Opinion on WRC-07 preparation: progress of work**

#### Status

The Chairman presented a **proposal for a draft Opinion on WRC-07** which he prepared based on previous debates in plenary meetings, on the Commission paper on policy priorities<sup>6</sup>, incorporating input from the initial public consultation, and the results of the joint Commission and CEPT workshop of 11 March 2005<sup>7</sup>. He recognised that some of the issues included in the draft Opinion had not yet been

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<sup>6</sup> Document RSPG05-71 on EU policy input to the preparation of WRC-07 available at [http://rspg.groups.eu.int/documents/meeting\\_documents/index\\_en.htm](http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm)

<sup>7</sup> Summarised in document RSPG05-78 available at [http://rspg.groups.eu.int/documents/meeting\\_documents/index\\_en.htm](http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm)

thoroughly discussed within the RSPG and called for additional advice from national administrations on these particular topics.

*Main conclusions of the discussion among RSPG Members*

The draft Opinion was welcomed by the Group. There was some discussion as to the most suitable timing for final adoption of the Opinion. It was however agreed by all that it was best to adopt an RSPG Opinion in advance of the development of the European Common Positions (ECPs) within the CEPT. By following this approach, the RSPG Opinion can serve as a policy input to the CEPT work to strengthen EU coordination.

The RSPG reserved the right to come back to this subject at a later stage in view of the progress of ECPs and other aspects of the preparation of the conference and to possibly issue a second Opinion if needed.

The meeting agreed that any additional comments from national delegations should be communicated in writing to the Chairman by 18 July. **The Chairman will revise the draft Opinion on the basis of comments received and issue a revised version in early September with a view to final adoption at RSPG#8 in November 2005.**

**4. Request by France and The Netherlands to the Radio Spectrum Policy Group for an Opinion on “a coordinated EU spectrum approach for scientific use of radio spectrum”**

*Background*

At RSPG#6 in February 2005, two delegations **presented a request for an RSPG initiative on scientific use of spectrum**<sup>8</sup>. The proposal was motivated by the growing difficulty of the scientific and meteorological communities to conduct their spectrum-dependent activities at a time when significant economic interests and high level of public investments are increasingly driving spectrum resources management.

It was agreed at the previous RSPG meeting, that the French and Dutch delegations would further elaborate their proposal and prepare a formal draft request for an RSPG Opinion for evaluation by the RSPG.

*Conclusion of the discussion within the Group*

**RSPG members reiterated their support for this initiative.** There were some questions raised by administrations mainly on the scope of the work (e.g. whether to focus more on passive than active science services and how to assess the balance between commercial versus non commercial services) but it was decided to leave these issues open for discussion in the context of work leading to the expected RSPG Opinion.

It was agreed an additional task would be added to Section 4 to consider the opportunity cost on other services of using spectrum for science services.

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<sup>8</sup> Document RSPG04-67 available in the section of documents related to RSPG#6 at [http://rspg.groups.eu.int/documents/meeting\\_documents/index\\_en.htm](http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm)

Next step

**The Group approved the request for an Opinion, as presented by the Dutch and French delegations<sup>9</sup>**, and decided to establish a working group to conduct the preparatory work. The organisation of the working group will be the joint responsibility of the Dutch and French delegations. The Chairman suggested including some data gathering activity on the specific bands used for scientific purpose in the various Member States. This would allow RSPG to reach a better understanding of the spectrum bands which are involved in this domain, as well as to identify the “non scientific” services potentially affected.

**5. Review of spectrum policy aspects in the context of the switchover to digital broadcasting**

Presentations by the Commission

**Mr. P. Scott**, head of unit responsible for policy development and the regulatory framework on electronic communications services, **presented the main aspects of the recent Communication to Council and Parliament on accelerating the digital switchover<sup>10</sup>**. He indicated that the Commission will seek the Council’s political support regarding the most important aspects of this Communication, among which the common target deadline for switchover by 2010 and for switch-off of analogue TV broadcasting by 2012.

**Mr. B. Langeheine**, Director responsible for the overall electronic communications policy, followed by presenting some **additional reflections currently under consideration within the Commission in the context of the preparation of the ITU Regional Radiocommunications Conference (RRC-06)**. These reflections should feed into a Communication to Council and Parliament planned for the second half of this year. The objective is to follow-up on spectrum-specific implications of the Communication on accelerating the digital switchover, and to serve as an input to the CEPT preparation of European Common Positions (ECPs).

Mr. Langeheine addressed mainly 5 issues:

- the need for **flexibility** in the RRC plan to support the long term requirements of both the broadcasting community and other sectors which may be allowed to operate in the same frequency bands;
- the unique opportunity of working together towards making a part of the **spectrum dividend available for pan European services**;
- the **competition aspects** of the spectrum dividend “**re-farming**” process;
- the need for a common EU negotiating position in ITU regarding the **modalities of the transition period**;

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<sup>9</sup> Document RSPG05-82 available at [http://rspg.groups.eu.int/documents/meeting\\_documents/index\\_en.htm](http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm)

<sup>10</sup> Communication COM (2005) 204 of 24 May 2005, available in three languages at the following web address  
[http://europa.eu.int/information\\_society/topics/ecommm/useful\\_information/library/communic\\_reports/index\\_en.htm](http://europa.eu.int/information_society/topics/ecommm/useful_information/library/communic_reports/index_en.htm)

- and the need to **support the roll-out of digital radio** by ensuring that sufficient spectrum will be available as a result of RRC-06, not excluding any current or future standards.

### Presentation by the CEPT

**Mr C. Van Diepenbeek**, Chairman of the ECC, representing the President of the CEPT, reported on **the status of the preparation of RRC-06 within the CEPT**.

Following a detailed overview of the status of each activity, Mr. Van Diepenbeek concentrated on the most strategic/political aspects. He explained that the European delegations were already looking for the optimum flexibility in establishing the plan (e.g. predominant use of allotments instead of assignments, use of spectrum masks to limit interference, procedural mechanisms to bring modifications to the plan, consideration for various reception modes, exclusion of analogue TV channels in the elaboration of the plan). However, there is an intrinsic limitation which is due to the fact that the remit of the RRC conference is to address terrestrial digital broadcasting services. Other possible use of the spectrum dividend can only be taken into account indirectly by ensuring flexibility for future developments. Alternate use of broadcasting frequencies such as access for IMT-2000 services will have to be considered after the RRC-06, for example in the context of WRC-07.

Mr. Van Diepenbeek also expressed satisfaction for the good progress of the regional pre-coordination activities. In his opinion, this is the best guarantee for efficient and speedy results in the RRC-06. All European countries (but two) have submitted their initial requirements for the first simulation exercise and results are eagerly awaited for end July. The development of the draft ECPs and of CEPT Briefs is on schedule.

### Debate on digital switchover and the RRC

The main purpose of the debate was to collect views and comments which could be used in the preparation of the Commission Communication on RRC-06. There was a wide range of subjects discussed and sometimes divergence of opinions showing that the policy debate on spectrum aspects of the digital switchover needs to be pursued if one wishes to adopt a more common view and coordinate negotiating positions in the conference. **It was decided that this topic should be one of the main items of the next RSPG meeting.** In the meantime, the views expressed by the RSPG in the Opinion adopted in November 2004 remained valid, particularly with respect to the issue of switchover dates. The Chairman concluded that, by the next meeting, the availability of the Commission Communication on RRC-06 should help to orientate the debate.

## **6. Report on Commission activities in radio spectrum policy**

Prior to the meeting, the Group was provided with a document highlighting the **main Commission activities in radio spectrum policy since RSPG#6** on 23 February

2004<sup>11</sup>. This agenda item was informative only. It was complemented by a **short verbal report from the Commission**.

The Commission also informed the Group that it about to finalise **the planned Communication on Spectrum Markets** (adoption expected in September 2005).

Following the request made at RSPG#6, the Commission also tabled a paper describing **inter-service coordination mechanisms as used in the development of the EU radio spectrum policy**<sup>12</sup>. The document explains the means employed by the Commission to ensure that the various policy interests related to radio spectrum issues are duly taken into account in activities pursued under this policy. A representative of the RSPG Secretariat gave a short verbal summary of the document. He further explained that the main objectives of EU radio spectrum policy are to support the requirements for spectrum access of all existing EU policies and initiatives to balance conflicting requirements, where required, as well as to support the implementation of overall EU objectives (competition, trade, single market). In addition, it is the duty of the Commission to also match those policy requirements with on-going or future spectrum harmonisation work in Europe and/or globally. The paper mentioned above includes all details and is publicly available.

## 7. RSPG Work Programme 2005

The Chairman recalled the attendance that topics for the work programme 2005, and a preliminary list of topics for the work programme 2006, had been agreed at RSPG#6. It had also been agreed that the Chairman would update the work programme document and separate current topics (2005/2006) from the reservoir of issues which constitute the rolling list of issues for consideration by the RSPG.

On this basis, two separate documents had been prepared by the Chairman, namely:

1. **A document including the specific RSPG Work Programme 2005** (including a brief outlook of the work programme 2006)<sup>13</sup>.
2. **A general list of issues for consideration by the RSPG**<sup>14</sup>, updated in the light of discussion at RSPG#6. This list of issues is based on the original provisional work programme for the RSPG<sup>15</sup>, with additional comments on current levels of activity and possible future action.

**The two documents were approved unanimously.**

## 8. Other matters

The Chairman concluded the meeting by reminding the Group that a **new vice chairperson will be elected at RSPG#7** in view of becoming the next Chairman after the term of Mr. M. Kurth ending in November/December 2006. Therefore, Mr.

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<sup>11</sup> Document RSPG04-88 available at [http://rspg.groups.eu.int/documents/meeting\\_documents/index\\_en.htm](http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm)

<sup>12</sup> Document RSPG04-89 available at [http://rspg.groups.eu.int/documents/meeting\\_documents/index\\_en.htm](http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm)

<sup>13</sup> Document RSPG04-80 available at [http://rspg.groups.eu.int/documents/meeting\\_documents/index\\_en.htm](http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm)

<sup>14</sup> Document RSPG04-81 available at [http://rspg.groups.eu.int/documents/meeting\\_documents/index\\_en.htm](http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm)

<sup>15</sup> Document RSPG03-20

Goddard opened formally the **call for candidacies** with the objective of receiving all expressions of interest by 15 September.

The next RSPG meeting (RSPG#7) is scheduled to take place in Brussels in November 2005 (precise date to be communicated). The meeting on the Opinion on WAPECS is tentatively planned for the end of August in Paris with a follow-up to discuss responses to the consultation planned for early October.

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