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RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of RSPG#8, 23 November 2005

RSPG #8
Brussels, 23 November 2005

Summary

1. Introduction to RSPG#8. New appointments.

Mr. Mike Goddard, Director for Spectrum and International Policy at Ofcom (UK), opened the meeting for the last time as Chairman of RSPG by welcoming the new Members of the Group which were appointed since the last meeting. Mr. Goddard then handed over to **Mr. Mathias Kurth**, President of the German Bundesnetzagentur, who was confirmed as **new Chairman of RSPG** for a period of one year ending at RSPG#11 (October 2006). **Mr. Francois Rancy**, Directeur Général of the Agence Nationale des Fréquences, was elected by unanimity as **Vice-Chairman**. Following the “troika” system, the new Vice Chairman, Mr. Rancy, will become automatically the Chairman of the RSPG at the end of the one-year term of Mr. Kurth, and the outgoing Chairman, Mr. Goddard, will serve as Vice-Chairman for an additional period of one year.

The Commission representative in the RSPG¹, Mr. Bernd Langeheine, Director for electronic communications policy, expressed his gratitude to the outgoing chairman for his leadership and vision, and, as the second Chairman of the RSPG, for consolidating the role of the group as a strategic element of European spectrum policy. He also welcomed Mr. Kurth’s accession to chairmanship, as well as the election of Mr. Rancy as vice-chairman.

2. RSPG Opinion on “a coordinated EU spectrum approach for scientific use of radio spectrum”

Background

At RSPG#7 in June 2005, the Group endorsed **a request for an RSPG Opinion on scientific use of spectrum**². This initiative was motivated by the growing concern of the scientific and meteorological communities about their spectrum-dependent activities at a time when significant economic interests and high level of public investments are increasingly driving spectrum resources management. The RSPG agreed to establish a working group which is co-chaired by the French and Dutch delegations, i.e. respectively Mr. F. Rancy and Mr. F. Bos.

Status of the work in progress

Mr. Rancy reported that the working group met for the first time on 12 October in Schipol, The Netherlands. This first meeting had the advantage to include a participation

¹ During the morning session, Mr. B. Langeheine replaced the permanent Commission representative in the RSPG, Mr. Fabio Colasanti, Director General of DG Information Society.

² Document RSPG05-92 available in the section of documents related to RSPG#7 at http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm

of the scientific community. The meeting focused on initial issues in order to get the work in motion, including the scope of scientific services to be addressed (pure science requiring passive services / science with commercial outputs / services that provide infrastructure support); the distinction between active and passive services, sharing options and protection criteria applicable to various categories of users/services; the definition of “scientific services”; aspects linked to cost / benefits analysis; synergy with other Community programs. The results of this first round of discussions were already incorporated in a draft outline of an Opinion available internally for the RSPG³.

As agreed with the working group, Mr. Rancy requested RSPG members to ensure that information on national situations will be made available in due course in order to allow the working group to assess, before the April meeting of the group, the extent to which the bands allocated to scientific services are effectively used in Europe for other purposes than scientific use, and to what extent such use has been, or could be, harmonised.

Conclusion of the discussion within the Group and next step

RSPG members reiterated their interest in this initiative and recalled that the final outcome of this activity was not preset at this early stage, it could be an Opinion if appropriate but it could also take other forms like a recommendation. It was stressed that in this field **one of the main challenges** is to find an **optimum balance between scientific and commercial interests**. **The Group approved the next activities as described in the progress report** of Messrs Rancy and Bos.

3. Adoption of the RSPG Opinion on Wireless Access Policy for Electronic Communications Services (WAPECS), subtitled “A more flexible spectrum management approach”

Presentation of the draft Opinion

The Rapporteur for this activity, Ms. Isolde Goggin, Chair of the Irish Commission for Communications Regulation, first summarised the essential elements of the draft Opinion submitted for adoption, namely **“convergence” as a driving force**, the principles of **technology and service neutrality** and the need for a **coherent authorisation approach** throughout the Community. She followed with a more detailed presentation of the various sections. Ms Goggin also underlined the **importance of a “staged” implementation process**, in particular the need to gain practical experience, without delay, by applying the WAPECS concept on an initial selection of frequency bands. These frequencies should be identified by the Commission with the assistance of the Radio Spectrum Committee. Finally, Ms. Goggin expressed the hope that the long term policy goals developed in the WAPECS Opinion can be taken onboard during the upcoming review of the EU regulatory framework for electronic communication services. The Rapporteur also thanked all participants for their contribution to the development of this milestone work of the RSPG.

³ This document is only available internally to the RSPG at this early stage of preparation.

Adoption of the Opinion

RSPG members supported the proposed Opinion and congratulated Mrs. Goggin and the drafting group for the excellent quality of the final outcome of the work on WAPECS.

In the discussions leading to the adoption, marginal modifications were performed on the final text, among which a change of the designation of WAPECS, which initially referred to “Platforms”, and has been modified into “Policy”.

The most frequent comments expressed by delegations during the debate leading to the adoption of the Opinion revolved around the following aspects:

- the importance to follow the proposed “step-by-step” approach for implementation. A “big bang” approach would be incompatible with the large variety of existing national legacy situations;
- the need to monitor carefully the evolution of the balance between interference regulations and competition regulations as implementation progress;
- the WAPECS approach should translate into concrete consumer benefits;
- the speed and importance of the initial selection of bands to “pioneer” the WAPECS concept. Several delegations stress that the bands listed in the Opinion are indicative only at this stage;
- the need to ensure a good synergy during the next phases between the strategic process (RSPG) and the operational process (RSC, and associated technical work by the CEPT).

The Opinion was adopted by consensus with the minor amendments mentioned above. The RSPG proposed to publish the **full text of the Opinion**⁴ (publicly available on the RSPG web site).

Next step

There will be a workshop held jointly by the RSPG and the Commission where the RSPG Opinion will be discussed with interested stakeholders. (N.B. after the meeting a tentative date of 21 February 2006 has been identified.)

The Commission should identify an **initial selection of frequency bands** to which the WAPECS approach should be **applied in practice**. This selection and identification of the relevant frequency bands and associated technical conditions should be done in cooperation with the **Radio Spectrum Committee (RSC)** under the mechanism of the Radio Spectrum Decision. It is expected that this process will require additional work by the CEPT under an EC Mandate (to be discussed with the RSC). The RSPG will continue to monitor the implementation of the concept on a regular basis.

4. Adoption of the RSPG Opinion on WRC-07 preparation

⁴ Document RSPG05-102 available at http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm

Presentation of the draft Opinion

Mr. Goddard, responsible for this activity, introduced the final draft of the Opinion on WRC-07 prepared on the basis of the discussion in RSPG#7 on the first Opinion draft and following additional written comments received since then. Mr. Goddard further explained that a late revision of the final draft Opinion was performed after it became clear that comments from one Member (France) had not been taken into account in the previous version, because of a breakdown in communications.

Mr. Goddard reminded the Group that this Opinion **is not the end of a process but rather the beginning**. The current opinion should assist the CEPT preparation and further guidance should be issued by the RSPG as the preparation of WRC-07 develops.

Adoption of the Opinion

The proposed Opinion was positively received by the Group and considered as a good basis to set up priorities for further work. There was a debate on some aspects of community principles and objectives to be supported at WRC-07, regarding the “opinion 1” within the text of the RSPG Opinion, in particular on the promotion of competition and market approaches. A compromise position was quickly found. The section on IMT-2000 and systems beyond was also debated in more details and there was a general request to further clarify European interests in this matter in the coming months. Although there was some opposition to including references to the WAPECS Opinion in the text, it was agreed to leave these with suitable amendments to the associated text.

The Commission representative, Mr. F. Colasanti, indicated that the Commission is planning to issue a Communication on EU priorities for WRC-07 towards the end of 2006 and suggested therefore that the RSPG ought to review its Opinion at the latest at RSPG#11 (October 2006). The RSPG shall therefore consider an appropriate process for this purpose in the near future. In this context also, the RSPG will be interested in receiving comments from the CEPT in response to the present Opinion.

The proposed Opinion was finally adopted by consensus and RSPG members proposed to **publish the text of the Opinion**⁵ (publicly available on the RSPG web site).

5. EU Policy perspective regarding spectrum access for mobile TV

Introduction to the subject by two Industry representatives

In order to set the stage for a policy discussion among RSPG members, two experts were invited to give their view on the development & market prospects of mobile TV in Europe.

The first speaker, Mr. Christoph Dosch, General Manager Collaborative Research, Institut für Rundfunktechnik GmbH, gave an outlook on the future developments in mobile TV. He emphasized that the multiplicity of standards and systems was not

⁵ Document RSPG05-103 available at http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm

necessarily an obstacle as it may facilitate to address different sets of market needs. The most important in the view of Mr. Dosch is to ensure that the same content can be distributed over several platforms in an economically viable manner, this also includes the availability of spectrum and of suitable “middleware” solutions. Mr. Dosch also made the link with the upcoming RRC-06 and issues related to the “digital dividend”. Finally, he mentioned the fact that the DVB-T standard itself should not be overlooked as a potentially viable solution for mobile/portable reception.

The second speaker was Mr. Mike Short, Vice President Research & development, mmO2 plc, who gave his view from a mobile network operator’s perspective, in particular regarding the need for an EU-level approach for the regulation of mobile content and for spectrum allocation in order to support timely market take-up. Mr. Short reported on the ongoing trial in Oxford (UK) which seems to confirm the promising commercial possibilities already illustrated in previous trials. Mr. Short called for a minimum coordination between Member States regarding the digital dividend and a more consistent licensing regime which, in Mr. Short’s words, could give Europe a “headstart” for mobile TV.

The RSPG Chairman expressed his gratitude to the speakers for having taken the time to come to meet with the RSPG and for the quality of the presentations. The Chairman further stressed the urgency of the matter since several countries are already well engaged into commercial deployment (like Korea).

Debate on EU policy dimension and possible need for action by RSPG

The RSPG then briefly discussed the EU policy aspects which could facilitate and/or create obstacle to mobile TV deployment on the short term. The discussion was informative at this stage. The Finnish delegation drew the attention of the RSPG to the fact that Finland was the first Member State to have already called for applications for a regular license to operate a DVB-H based multiplexer for mobile TV services. The Commission representative requested the Group to focus first on what can be done on EU level such as interoperability or spectrum harmonisation aspects without picking any specific technology. In conclusion, the **Group decided to put this topic again on the agenda of the next RSPG meeting**. The Commission, relayed by other participants, requested the RSPG to include economic and competition aspects in the upcoming reflection.

6. Spectrum aspects of the switchover to digital broadcasting

Progress of Commission initiative on spectrum policy regarding the digital switchover

The Commission presented its current state of reflection regarding the implication of both the RSPG Opinion on spectrum aspects of the switchover (of November 2004), and the recent Commission Communication EU spectrum policy priorities for the digital switchover in the context of the upcoming ITU Regional Radiocommunication Conference 2006 (adopted in September 2005)⁶. The Commission outlined its

⁶ Document RSPG05-106 available in the section of documents related to RSPG#8 at http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm

intention regarding the next steps⁷. Mr. Colasanti indicated that the Commission priorities, beyond those directly related to the RRC-06, were to launch the EU-level debate on a common approach to the reuse of the digital dividend and the consideration to earmark a part of the future dividend in priority for pan-European services (without necessarily specifying all of these services from the outset).

Role of the RSPG and planning of future tasks related to the switchover policy

The RSPG discussed the Commission's follow-up plan, and in particular future RSPG's activities, mainly in "launching the EU debate on the reuse of the digital dividend". There was some strong support to address this topic by some Member States while there were also concerns expressed by delegations about the ambitious time table and about the potential of any sizeable digital dividend. In conclusion, there was a **general acknowledgement that this issue deserves to be addressed as one of the priorities in the RSPG work programme in 2006.**

7. Priorities for the RSPG Work Programme 2006

The Chairman recalled the attendance that some preliminary topics for 2006 were already earmarked at RSPG#6 when the work programme 2005 was finalised⁸. He then made a short presentation of his proposed priorities for 2006, including the **RSPG's contribution to the preparation of the review of the EU regulatory framework for electronic communications services, spectrum aspects of the transition towards digital broadcasting and the RRC-06, spectrum for mobile TV.** There will also be planned activities that are a continuation of ongoing work such as the **preparation of WRC-07, the monitoring of progress on introduction of spectrum markets/trading, progress towards an initial implementation of the WAPECS concept and the Opinion on scientific use of spectrum.** The Chairman finally mentioned additional topics for possible consideration such as exploring the potential of the **"Commons approach" as a method to manage spectrum, the impact of reconfigurability and of cognitive technology on spectrum policy and spectrum policy for public protection / disaster relief applications.**

The proposal by the Chairman was widely supported by the Group. The Chairman invited delegations to provide additional comments by the 24th December 2005.

8. 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#7** on 16 June 2005⁹.

⁷ Document RSPG05-107 available in the section of documents related to RSPG#8 at http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm

⁸ Document RSPG05-108 available in the section of documents related to RSPG#8 at http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm

⁹ Document RSPG05-109 available in the section of documents related to RSPG#8 at http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm

This agenda item was informative only. It was complemented by a short verbal report from the Commission including the expected conclusions on spectrum and digital switchover at the Telecommunication Council meeting on 1st December 2005, the second report to the European Parliament and the Council on EU spectrum policy, the recent Communication on a market-based approach to spectrum management and a short debrief on the state of affairs of a specific topic being under active inter-service coordination within the Commission: “**spectrum requirements for UHF Radio Frequency Identification (RFIDs)**”¹⁰. The Commission also informed the Group that the European parliament has decided to respond jointly to the three recent Commission Communications on spectrum policy. The response from the Parliament is expected for early 2006.

9. Other matters

The next RSPG meeting (RSPG#9) is scheduled to take place in Brussels in February 2006 (date to be confirmed). The main agenda items were likely to include the review of the regulatory framework for electronic communication services, policy issues related to RRC-06, and the digital dividend resulting from the digital switchover.

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¹⁰ Document RSPG05-110 available in the section of documents related to RSPG#8 at http://rspg.groups.eu.int/documents/meeting_documents/index_en.htm