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RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of RSPG#9, 22 February 2006

RSPG #9
Brussels, 22 February 2006

Summary

(1) Introduction to RSPG#9

The Chairman, Mr Matthias Kurth (Germany, BNetzA) opened the meeting. The agenda was adopted, after several delegations requested inverting the order agenda items 2 and 3¹.

(2) Follow-up of the RSPG Opinion on “spectrum implications of the switchover to digital broadcasting”: “Planning the digital dividend”

Background

On request of the Chairman, the Commission (Mr Colasanti) introduced the item, recalling the previous work of RSPG on spectrum aspects relating to the digital dividend². He emphasised the need to determine the right level of coordination throughout the EU, noting that the potential benefits from the digital dividend would go beyond national border. He pointed out the regulatory implications and the potential impact on the internal market.

Discussion on going forward

The initial discussion revealed the imminent analogue switch-off in some Member States, which clearly argued for RSPG developing its opinion at this stage. The national responsibility for managing the dividend was pointed out by several delegates. Others recalled the necessity to await the results of RRC-06 before forming an opinion on the dividend. Some participants stated that no digital dividend was expected in their Member State. There was also the debate on the importance to take into account pan-European services which could be accommodated by parts of the dividend. The Commission noted that interoperability could be an issue for users travelling inside Europe, but agreed that this was one subject for discussion in the RSPG. The RRC-06 would not cover all aspects of the switchover and the urgency was clear in a situation when some Member States already were processing licenses for the spectrum in question. The Vice Chairman (Mr Goddard) pointed out that the RRC-06 had the limited mandate of only looking at moving from analogue to digital broadcasting.

It was also noted that it would take some time for a RSPG working group to become operational and that starting the work in RSPG at this juncture would ease the identification the critical issues and allow RPSG to be in a position to build on the RRC-06 results quickly. Although the work of RSPG was recognised to deal with the longer term

¹ Adopted agenda: RSPG(06)116 Rev.1. All document numbers in subsequent footnotes refer to documents available on the RSGP website http://rspg.groups.eu.int/documents/meeting_documents

² RSPG(04)55

perspective, the time table proposed by the Commission with a delivery of an Opinion by spring 2007 was found to be adequate.

Next step

The Chairman suggested some changes to the draft text of the Request for Opinion in order to reflect the discussion and to take into account specific suggestions by some delegates. With these changes the Request for Opinion was accepted³. Vice Chairman, Mr. Rancy, was asked and kindly accepted to act as Rapporteur on this RSPG work item. A scoping document will be submitted at the RSPG meeting in May.

(3) Proposal for an RSPG Opinion on “Spectrum for mobile multimedia services in the field of broadcasting”

Background

The Chairman introduced the request for Opinion proposed by Germany, recalling the presentation on mobile broadcasting at RSPG#8. He underlined the urgency given the demand articulated by market players recently. He pointed out the need to stay technologically neutral and recalled the WAPECS concept⁴ in this context. He also indicated that Germany would be willing to coordinate the development of the Opinion. The Commission representative, Mr. Colasanti, supported the request noting the industry interest and the need to act within a short timeframe.

Discussion on going forward

Several participants indicated the need for action by the RSPG and noted the market requirement for spectrum in the short-term to deploy the service. A question was raised, whether this was not an issue more appropriate for the RSC. The proposal also engendered a substantial discussion on how to reconcile the proposal with the WAPECS concept. Some participants noted that implementing WAPECS was a gradual process which would take some time, hence saw a role for specific initiative in the present case. It was noted that as foreseen in the WAPECS concept departing from technology neutrality was possible, where this could be objectively justified. Others noted that WAPECS required both technology neutrality and service neutrality and that the Request for Opinion had to avoid a preferential treatment of a specific service. In this context the need for an analysis of the cost and benefits of regulatory action at the European level was also pointed out. Some delegates commented on the list of spectrum bands referred to in the Request for Opinion⁵. It was agreed that the list should be considered as indicative and non exhaustive. The Commission stressed that the initial discussion showed precisely why the RSPG should take up the matter. While regulators should not try to outguess the actual users, policy makes are nevertheless now confronted with a demand and RSPG should investigate how to accommodate this demand strategically and taking EU objectives into consideration. The timetable proposed by the Commission was generally accepted.

³ Request for Opinion RSPG (06)120 Rev

⁴ See related RSPG Opinion RSPG(05)102

⁵ Lithuania requested to enlarge the list to include explicitly the 230-240 MHz band.

Conclusion of the discussion within the Group and next step

After a revision of draft text to reflect the content of the discussion, the RSPG accepted the Request for Opinion⁶. A working group under German chairmanship would be set up to develop a draft Opinion for RSPG#11 (October 2006). The working group will meet on the 22nd March 2006 in Bonn, Germany.

(4) RSPG Opinion on “a coordinated EU spectrum approach for scientific use of radio spectrum”

Progress Report

Mr Bos of the Netherlands as co-chairman of the working group on scientific use of spectrum presented the work of the group to date. He reminded participants of the importance to respond to the questionnaire about spectrum used for this purpose at the national level with the deadline 18 March. The group had met with the scientific community on 7 December and received valuable input. It is now building a concept of the social and economic relevance of scientific use as is also clear from Commission activities.

Mr Bos noted that the next meeting of the working group in Toulouse on 5-6 April would develop a text to be submitted for public consultation during summer, after approval by RSPG#10. The outcome of this will then be subject to work in the working group in September.

Discussion

The group noted that the need to identify costs and benefits of scientific use should not be an accountancy exercise, but required reaching a definition of public and social good to assist the comparison.

(5) Spectrum aspects of the review of the EU regulatory framework on electronic communication services

Presentation by the Commission

The Chairman introduced the item, noting the interest of the RSPG to remain involved in the spectrum aspect of the review. He invited the Commission to present the state of play of the review.

The Commission (Mr Scott) confirmed that the legislative proposals would be tabled by the end of 2006 following a Commission Communication due this summer. The review process had started in November 2005 with a call for comments. The Commission had received about 150 written contributions and a workshop on the subject on 24 January had gathered 440 participants. 16 Member States had also commented. As a recurring comment, many inputs indicated that it was too early to change the regulatory framework in detail, as implementation was still underway in several Member States.

There were mixed views in the comments on secondary trading of spectrum. Industry noted the political importance of spectrum reform. It expressed support in principle for trading, but existing spectrum holders were concerned by the need to preserve existing rights.

⁶ RSPG(06)119 Rev.

Technology neutrality and service neutrality were largely supported. Broadcasters were more reluctant towards trading and stressed the cultural role of media. In all, there were no real surprises in the pattern of responses and the results would be published on the review web-site.

Debate on the review and possible need for action by RSPG

The RSPG noted its interest for the review, but also highlighted the difficulty to reconcile the RSPG meeting schedule with the review timetable. Several delegates asked the Commission to present at the next RSPG meeting (May) basic elements it intended to propose in the context of the review, so that RSPG could react on them. The Commission signalled difficulties with this timing, indicating that the announced Communication was scheduled before the summer, i.e. after the next RSPG meeting. Several participants noted that the October meeting would be the only opportunity to adopt an RSPG Opinion. It would nevertheless be worthwhile to keep the topic on the agenda of RSPG as possible delays in the review process might offer an opening. The Chairman concluded that the RSPG should any way contribute its opinions as input to the review and consider at the next meeting how the RSPG could respond quickly to the Commission's proposals.

(6) Preparation WRC-07

CEPT response to the RSPG Opinion and presentation

The representative of the CEPT, Mr Van Diepenbeek, made a presentation of the preparatory work in the CEPT in response to the RSPG Opinion on WRC-07⁷. The report notes the general agreement between the two bodies and identified a few items where further input would be welcome.

Discussion on steps forward

The Commission noted the high level of convergence on the substance of the RSPG Opinion, notably on the underlying policy objectives and regulatory principles. RSPG was the appropriate forum to stimulate the required policy arbitration on important conference issues for the European Union. The Commission therefore encouraged RSPG to continue its work and define its detailed view on the most relevant agenda items in time to influence the European technical negotiating positions developed in CEPT. The Commission intends to issue a Communication to Council and European Parliament on the overall EU objectives for WRC-07 towards the end of the year, and is therefore interested to validate its assessment against RSPG's views.

The Chairman noted that there was a lot of common ground. He proposed that RSPG works through a limited correspondence or sub-group which would ensure that the RSPG would be in a position to give its advice to the Commission at the latest by the October meeting. This proposal was accepted and the Chairman would propose further steps to the Members in the intervening time.

(7) Preparation RRC-06

⁷ see RSPG(06)122

Verbal report on the state of preparation in CEPT and status of “European Common Positions”

The Vice Chairman, Mr Rancy, reported on behalf of the CEPT working group on RRC-06 on the latest state of play. He noted that several European common proposals have been adopted, but that much work remained. Europe aims at retaining as much flexibility as possible to respond to future technological and commercial developments. This will require that the plan assumes an all-digital environment, while recognising that protection is needed during the transition.

There were opportunities to support the realisation of a digital dividend by planning for mobile reception below 750 MHz, but other possible services such as IMT-2000 would have to wait until the outcome of the conference before possible allocations could be discussed. Europe aims at a transition period ending not later than 2012, but there should be provisions for analogue assignments after this date. To date 60% of notified requirements have been found compatible, but there is an overall picture of excessive claims by states. The software used is conservative and incompatibilities must still be analysed and overruled where needed.

Discussion

The Chairman highlighted the complexity and importance of the issue and indicated the need for further efforts. The Vice Chairman (Mr Goddard) noted the relevance of the CEPT proposals for the work in the RSPG and specifically the issues of using spectrum masks to achieve flexibility and the question of the transition period. Where a policy push was needed the Commission and the Council could add weight. The Chairman concluded by noting that the RSPG supported the European Common Proposals developed by CEPT, particularly the two mentioned above.

(8) Follow-up on spectrum trading

Presentation of concept of discussion group

The Chairman invited the Commission (Mr. Niepold) to explain the purpose of a proposed discussion group as a Commission initiative in the context of its efforts to prepare for the introduction of spectrum trading. Mr Niepold recalled the RSPG Opinion on trading and the subsequent Commission Communication⁸. While secondary trading would be important in the review, there was a need to reflect on other associated issues. The Commission saw value in complementing the internal expertise with outside experts and now asked the RSPG members to propose names to take part in a Commission discussion group. This was a window of opportunity as the review process would run in parallel.

The terms of reference for the group were available as an annex. The members of the discussion group would speak as individual experts and not represent Member States positions.

Discussion

⁸ RSPG(04)54 and COM(2005)400 respectively

Several delegates asked how this group would relate to RSPG and whether it would be possible for the RSPG to develop a position given that legislative proposals in the review would be tabled by the end of the year. The Commission confirmed that the review process would go forward according to the timetable, but that there were valid discussion items outside the review. The Commission intended to report regularly to RSPG on progress on the topic overall and where needed to formally consult RSPG for detailed issues. It was also confirmed that several experts from a Member State could participate in the discussion group. The Chairman encouraged interested RSPG members to propose names by mid March.

(9) RSPG Work Programme 2006

No further changes to the revised work programme were suggested and it was adopted⁹. It will be published on the RSPG website.

(10) Report on Commission activities in radio spectrum policy

Prior to the meeting, the Group was provided with a document¹⁰ highlighting the **main Commission activities in radio spectrum policy since RSPG#8** on 22 November 2005.

(11) Other matters

The next RSPG meeting (RSPG#10) is scheduled to take place in Brussels on 11 May 2006.

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⁹ RSPG(05)126

¹⁰ RSPG(06)127