

# NEREC Seminar

## Monitoring EU ICT Policy

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'EU Spectrum Policy'

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# Background

- Spectrum regulation is mainly a responsibility of MS, exercised through NSAs of varying quality
- There is still conflict between proponents of market-based and command and control spectrum management
- Some NSAs are liberalising spectrum use, others are not
- EU-wide, there is also conflict between alternative forms of harmonisation: mandating frequencies for particular technologies or achieving a harmonised tradable spectrum approach
- Spectrum-using services still remain largely tethered to national boundaries (cf roaming)
- This reflects absence to date of an EU spectrum strategy..

## Institutions and Laws

- The Framework Directive (FD) and the Radio Spectrum Decision lay down limited EU competence
- The Radio Spectrum Policy Group (the NSAs+EC) offers advice on request
- The Radio Spectrum Committee takes technical harmonisation decisions
- CEPT is the technical advisor of what can be done
- The 'new FD' involves Council and Parliament in enacting a multi-year spectrum policy proposed by the EC in conjunction with the RSPG

# Flexibility

- Individual MS have introduced elements of tradability, flexible use, technological and service neutrality, etc.
- The EC has been promoting it at EU level for several years
- Ideally, tradable spectrum across all MS would permit operators to establish national or pan-European services
- A blue print known as WAPECS has been developed but not implemented
- The 'new FD' creates powers to mandate bands in which flexible trading is available; how it will work and what difference it will make is not clear

# Competition in Spectrum Markets

- Are sector-specific remedies required to deal with competition abuses in spectrum markets?
- There is huge scope for technical substitution across frequencies
- But current regulation limits the scope for actual substitution, 'balkanises' markets and permits entry limiting strategies
- ERG/RSPG is investigating
- Because many spectrum-using markets are tight oligopolies, interim spectrum caps may be required

# Harmonisation

- The EU has accomplished valuable harmonisation over object tagging (RFIDs), short range devices, Wi-Fi, etc.
- Is industrial policy driving others – e.g. mobile satellite services? Strong RIAs are needed
- EC can propose ‘paternalistic liberalisation’, i.e promoting, not requiring, harmonisation; e.g. 790-862 MHz from digital dividend spectrum
- Can EU institutions restrain themselves?

## The balance sheet for EU spectrum policy

- ⌘ Major progress made in a few years: ‘from administration to policy’ via new FD
- ⌘ Strong focus by EC on benefits of flexibility of spectrum use at EU level; some MS not convinced
- ⌘ Harmonisation can be applied at the service and spectrum management levels; criteria for the former needs further development
- ⌘ A date for a ‘default full EU spectrum market opening’ is desirable but not yet attainable
- ⌘ EC can play a ‘nudging’ as well as a prescriptive role.