

Spectrum Policy at EU level

Taking stock

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* *Disclaimer: the views expressed are those of the author and cannot be regarded as stating an official position of the European Commission.*

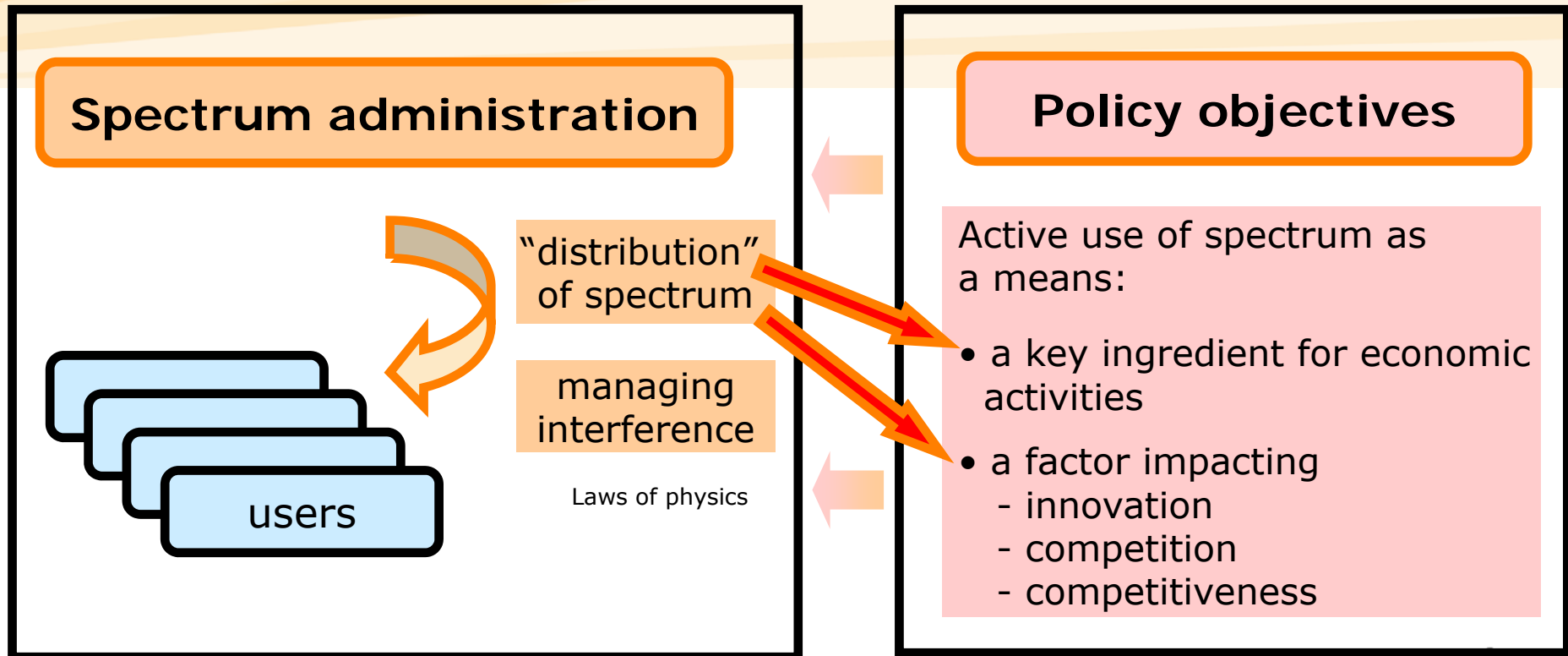


Overview

- 1. Origin and objective of EU spectrum policy**
- 2. After ~10 years: What has it delivered ?**
- 3. Expected changes after the Review**
- 4. Key challenges ahead**
- 5. Conclusions**



Paradigm shift: spectrum management → spectrum policy



technical spectrum management:
technical efficiency,
containing interference

spectrum policy:
socio-economic
and cultural efficiency

Spectrum policy at EU level

Internal market

- compatible equipment
economies of scale
- EU-wide services
mobility, roaming
- coherent regulatory
environment
- efficient use of
resource

EU policies

- communications
- broadcasting
- transport
(aeronautical / maritime
/ road/ rail)
- space
Galileo,
earth observation
- "public usages"
defence, security,
disaster relief)
- others
medical sector,
logistics,
environment, etc.

Synergy effect

- innovation
critical mass for
leveraging new
technology
- international
competitiveness
- attracting investments
- collaborative R&D

EU spectrum policy:

“Harmonisation measures”

- usage conditions of specific spectrum bands
“designate and make available”
- EU Decisions: legally applicable to all MSs
- Legal basis “Radio Spectrum Decision 676/2002/EC
(art.95 → internal market)



EU spectrum policy: Has it delivered ?

Harmonisation measures

<i>area</i>	<i>application</i>	<i>assignment mode</i>
Short range devices	large variety of applications	<i>unlicensed</i>
RFID	object tagging	<i>unlicensed</i>
SRR 24 GHz and 79 GHz ITS	road safety	<i>unlicensed</i>
Ultra wide band (UWB)	high bit-rate communication; specific applications	<i>unlicensed</i>
5GHz R-LAN	ECS	<i>unlicensed</i>
Mobile communications on planes and vessels*	ECS	<i>licensed, unlicensed [mutual recognition]</i>
MSS*	ECS	<i>licensed</i>
900/1800 MHz, 2.6 GHz, 3.4 GHz 800 MHz, 2 GHz	ECS	<i>Licensed</i>
Information on spectrum usage	[generic]	<i>n.a.</i>



EU spectrum policy: Has it delivered ?

Harmonisation measures

- **Relevance ?**
 - **key EU policies** covered: **ECS, transport, ...**
 - serving “ad hoc” needs, but also “**pro-active / enabling**” initiatives
 - **who sets priorities ? Impact assessments ?**
 - > market pull: “industry knows the truth” (but misjudgements occur)
 - > technology drive: “emerging technologies” (but uncertain time scales)
 - > policy pull: “each policy has priority on its own merit” (but conflicting interests)
- **Effect ?**
 - harmonisation measures precede visible market effects
(“enabling approach” makes **measurable effects difficult to estimate**)
 - **preventing / overcoming fragmentation of regulation**;
few cases of harmonisation of “pan-European systems”
 - harmonisation measures to implement management paradigms
(“**harmonisation of liberalisation**”; information on spectrum usage)
 - **validity of harmonisation measures over time**
(problem of sunset clauses; innovative review / update clauses)



EU spectrum policy: Has it delivered ?

Harmonisation measures

- **Efficiency of decision process**
 - technical expertise: **CEPT** contributing (complex procedures; time to delivery; public consultations; link to standardisation ?)
 - **comitology**: truly **collaborative process Commission / Member States** (the myth of the “Commission’s ownership”)
 - high adoption hurdle (qual. majority → **de facto consensus**)
 - **speed ?** (between 4 and 18 months)
- **Implementation record ?**
 - “**designating and making available**”: **delimitation to assignment ?**
 - which national mechanism to **implement harmonisation measures ?**
 - **derogation** mechanism (the limits of harmonisation)
 - implementation speed and accuracy (implementation tables)
 - **duplication** CEPT “Decisions” / EU harmonisation Decisions
- **Conclusions**
 - powerful collaborative mechanism which **essentially works and delivers**, but scope may be too narrow (→ assignment coordination)
 - **coherence with terminal regulation unsolved**
 - better link needed: general strategy → work at harmonisation level
 - **complementarity with CEPT**, but also **inefficient duplication**



EU spectrum policy:

“Reform of spectrum management”

- Identifying and introducing generic approaches and best practices
- Commission initiatives Commission, Decisions, studies..), Opinions (RSPG),
- Legislative proposals (Review)
- Legal basis: right of initiative of the Commission, RSPG giving advice to the Commission



EU spectrum policy: Has it delivered ?

Policy development

<i>area</i>	<i>RSPG</i>	<i>Commission</i>
Secondary trading	Opinion	Communication
Collective use	Opinion	study
WAPECS	Opinion	Communication
Streamlining spectrum regulation	Opinion	[Review proposals] [R&TTE Review]
Scientific Services	Opinion	
Interference models		study
Public use of spectrum	Opinion	study
Competition / flexible spectrum management	Joint reports ERG/RSPG	[Review proposals]
“Outer border” issues	Opinion	
Digital Switchover / Digital Dividend	Opinion Digital Dividend Opinion Multimedia	Communication RRC06 Communication Dig.Div.
Broadband wireless	Position paper	i2010, BB strategy
WRC-07, WRC-11	Opinion	Communications



EU spectrum policy: Has it delivered ?

Policy development

- **Relevance ?**
 - **key areas addressed** (access right management; liberalisation of usage; information on usage), but...
 - **incomplete** (coherent definition of usage rights; reformatting and incentive pricing; interference models; collective use / general authorisations;)
 - **“legacy” vs. “reform”** as significant hurdle
 - **spectrum rights and competition** emerges as a key issue
- **Effect ?**
 - generic impact: **spectrum policy gradually on the political agenda**
 - “moving mentalities” and “change of culture” rather than legal provisions, but real impact (e.g. WAPECS)
 - **EU dimension recognised** (room for improvement...)



EU spectrum policy: Has it delivered ?

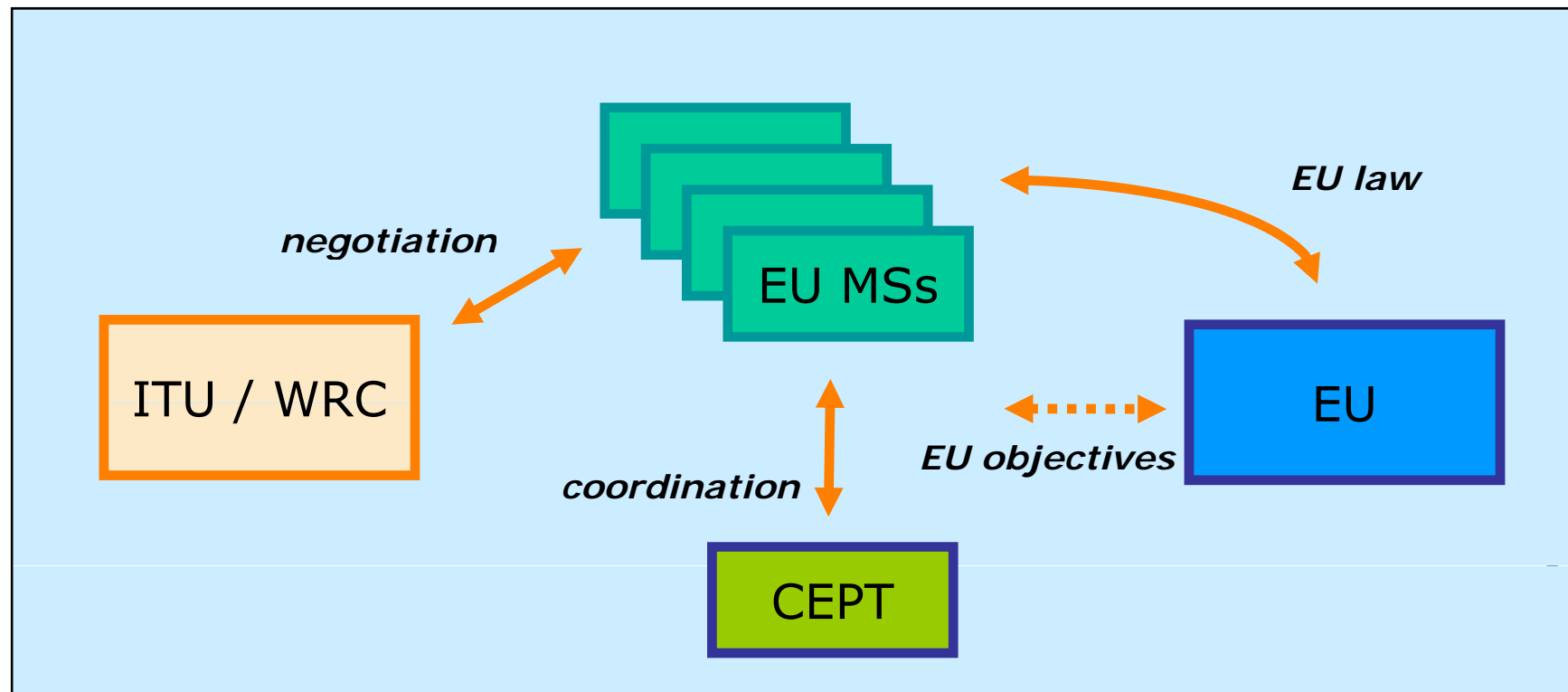
Policy development

- **Efficiency of decision process**
 - **lack of formal tools** and **difficulty in translating strategic objectives into applicable reality** (legal framework for spectrum needed ?; link to concrete harmonisation measures)
 - **RSPG** : important role, despite often “weak” deliverables due to “consensus” approach:
 - > delivering political messages;
 - > forcing an “EU reflection process”
 - > developing policy objectives for downstream technical harmonisation
 - > more senior commitment by MSs needed
 - > more resources needed (accompanying studies, experts involvement)
 - Institutional problem: the European Parliament involvement
- **Conclusions**
 - **strategic agenda** of addressing generic policy actions **needed**
 - putting a generic regulatory framework in place: work in progress...
 - identifying key objectives for **specific spectrum dossiers**:
 - > RSPG delivers (trading, Digital Dividend, wireless broadband, etc.)
 - > should be systematically continued
 - validating spectrum policy action at inter-institutional level



EU spectrum policy: Has it delivered ? International aspects

International spectrum negotiations:



EU spectrum policy

“International aspects of spectrum”

- political input to preparatory process of WRC negotiations
- Communications from the Commission;
- Legal basis “Radio Spectrum Decision 676/2002/EC
- Council Conclusions 1992



EU spectrum policy: Has it delivered ?

International aspects

- **Relevance ?**
 - RR cover the whole spectrum range; RR establish rules for coexistence of spectrum usage by its members (interference prevention); RR do not constitute an allocation obligation per se
 - **influencing RRs to match / facilitate / avoid constraining EU objectives associated with spectrum**
 - RR foresee coordination between ITU members → individual **EU Member States coordinate individually** with third countries **on issues resulting from EU harmonisation** (e.g. usage conditions).
- **Effect ?**
 - **defending EU interest** in international negotiations
 - reinforcing **coherence of negotiations** by individual Member States where EU interests are at stake



EU spectrum policy: Has it delivered ?

International aspects

- Efficiency of process ?
 - **EU is not a negotiation party** although “acquis communautaire” on spectrum is considerable → induces inefficiencies
 - **combining of CEPT preparation and coordination role with EU political input** can be problematic;
 - lack of support of EU positions difficult to remedy during negotiations
 - **RSPG** so far weak in defining EU position on internat. negotiation issues
 - CEPT as coordinator for technical negotiations at times split (EU / non-EU members)
 - **Role of EU in supporting RR-related coordination actions with non-EU countries** a growing issue
- Conclusions
 - **Need to rethink** the gap between EU action and delivery on spectrum policy and the formal absence of the EU from international negotiations
 - **Need proactively impact on ITU activities from an EU perspective** rather than reacting
 - Existing tools so far nearly not considered (e.g. using the harmonisation mechanism to define agreed and binding negotiation positions; RSPG Opinion on outer border issues)



Spectrum in the Review of ECS Regulatory Framework

The proposal:

- **maintaining mechanism for harmonisation measures**
- **anchoring major generic rules in the framework:**
 - **WAPECS**
 - Reinforcing use of **general authorisations**
- **introducing tools to allow for **extended coordination**, using comitology approach**
 - assignment modalities, incl. on pan-European services
 - trading (tradability, trading conditions)
 - tackling competition issues in the context of spectrum
- **specifying transition rules**



Spectrum in the Review of ECS Regulatory Framework

The **outcome** vs the proposal:

- maintaining mechanism for harmonisation measure

yes, but comitology
rules to change:
threat to efficiency ?

- anchoring major generic rules in the framework:

- WAPECS
- reinforcing use of general authorisations

yes, but weak

no

- introducing tools to allow for extended coordination,
using comitology approach

- assignment modalities, incl. on pan-European services
- trading (tradability, trading conditions)
- tackling competition issues in the context of spectrum

no

yes

no

- specifying transition rules

(softened)

Spectrum in the Review of ECS regulatory framework

Additional elements:

- **“Radio spectrum policy programme”**

new

- new institutional dimension (EP/Council, RSPG)
- potential benefit: strategic frame for EU action on spectrum
- risk: heavy procedures, delay on action, too rigid action plan

- **International aspects**

- policy objectives can be adopted by EP / Council to ensure effective coordination of EU interests

new



Key challenges of spectrum policy for ECS

- **Spectrum supply**
 - assessing and keeping up with spectrum demand
 - neutral allocation and assignment: from theory to reality
 - Preparing use of spectrum freed by transition to digital broadcasting
 - spectrum dividend available from more efficient public usage of spectrum ?
- **Overcoming legacy**
 - Impact of liberalisation on competitive environment as a result of liberalisation
 - Re-regulation as a consequence of spectrum reform ?
- **Anchoring the EU spectrum agenda internationally**
 - Revisiting EU involvement in negotiations
 - Spectrum on bi-lateral agenda with third countries
- **Coherent regulatory environment**
 - Achieving coherence beyond allocation
 - Rules for spectrum / competition
- **Better synergy between R&D and spectrum policy**



Conclusion

- **EU radio spectrum policy is today a reality**
- Achievement of >10 years of political effort and learning: Dealing with **spectrum is increasingly on the *political* agenda**, basic **mechanisms for *technical* coordination** are in place. Further tools for coordination are needed.
- **Important reforms have been launched**, but are still to deliver; need to be fully implemented and validated; dealing with transition to new environment appears a major challenge
- **Collaborative decisions Member States / EU**, with **legal basis for implementation** of coordination results recognised as main model.
- **Reform of regulatory framework for ECS** - a new opportunity but also challenge:
 - > Foreseeing a **spectrum strategy for the EU**
 - > Introducing a new inter institutional decision mechanism



Thank you for your attention !

references:

- **General information DG Information Society and Media**
(overview activities)
http://ec.europa.eu/information_society/index_en.htm
- **Spectrum policy**
(reference documents , on-going activities etc.)
http://ec.europa.eu/information_society/policy/radio_spectrum/index_en.htm
- **Radio Spectrum Policy Group - (RSPG)**
(reference documents RSPG, on-going activities etc.;)
<http://rspg.groups.eu.int>
- **Radio Spectrum Committee - (RSC)**
(reference documents RSC, on-going activities)
http://ec.europa.eu/information_society/policy/ecomm/radio_spectrum/eu_policy/rsc/index_en.htm

