Public Consultation/Call for Input in preparation for the Radio Spectrum Policy Programme

The Commission services are hereby organising a public consultation until 9 April 2010 on the possible content of a proposal for a multiannual radio spectrum policy programme to be submitted to the European Parliament and the Council by mid-2010.

Introduction

The recently amended regulatory framework for electronic communications[1] calls on the Commission to propose a multi-annual Radio Spectrum Policy Programme (RSPP) to be adopted by the European Parliament and the Council. The general objective of the RSPP, as stated in Article 8a(3) of the Framework Directive is to *"set out the policy orientations and objectives for the strategic planning and harmonisation of the use of radio spectrum in accordance with the provisions of this Directive and the Specific Directives.*"

Radio spectrum policy is recognised as a matter of strategic importance for the European Union (EU), where coordination and common action at EU level has a direct positive affect on economic recovery and growth, on the provision of innovative services to all citizens and, more generally, on the functioning of the internal market. As such, it is an essential element of the forthcoming Digital Agenda for Europe.

1. General Approach

While the RSPP has been foreseen in the Framework Directive which applies to electronic communication services, there would be much to gain from a holistic approach by extending the RSPP to all types of radio spectrum use with an internal market or EU policy dimension.

In line with the Directive, the RSPP will take the form of a legislative proposal by the Commission to be adopted by the European Parliament and the Council.

To prepare its proposal, the Commission will also duly take into account the opinion of the Radio Spectrum Policy Group (which is composed of high-level officials from EU Member States), and on the results of the Spectrum Summit to be held in March with representatives of the European Parliament, Member States and stakeholders.

2. How can you contribute?

The Commission Services invite all interested parties, including members of the public, to provide any input they may deem appropriate for the preparation of the multi-annual RSPP. They are invited to support their views where possible with

---

[1] Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services

available socio-economic data, and to indicate the specific added value they identify in a certain action at EU level.

The RSPP shall build on the clear regulatory principles established in existing legislation, including the Radio Spectrum Decision and its implementing measures as well as the specific rules established in the EU regulatory framework for electronic communications services as amended in 2009.

The RSPP should incorporate these principles in a strategic programme that defines the priorities in radio spectrum policy with a time horizon of the present European Parliament mandate, i.e. some four years. Contributions should therefore focus on issues which are sufficiently mature to lead to concrete measures by 2015.

In this framework, the RSPP should reaffirm the guiding principles to be applied and establish key objectives that are to be attained by further action at EU level, in particular by agreeing common conditions, ensuring full co-ordination across the EU, or strengthening co-operation between Member States, as appropriate.

Issues have been tentatively assembled in connection with the EU political priorities which are considered most relevant for the RSPP. Further considerations and supporting evidence or alternative argumentations are obviously welcome.

3. Issues for consideration

a. Economic recovery and growth

The potential for contributing to economic recovery, growth, jobs and EU competitiveness is large, given the leading role of ICT as a whole, and of wireless applications in particular. The economic value of services derived from radio services is estimated at around 2.5% of aggregate EU GDP and spending on mobile networks in the coming years is expected to largely outpace the average growth of the telecom equipment manufacturing sector.

Using spectrum to assist in achieving universal broadband access for citizens and business (in particular SMEs) will also boost productivity and stimulate economic growth. The European Council and the European Parliament have stressed the importance of fast and affordable broadband communications for all citizens.

1) Against this background, has a sufficient amount of spectrum been allocated for the rollout of broadband services under technology and services neutral conditions in order to achieve EU's targets in terms of coverage and speed? Regarding already allocated spectrum, should a minimum amount of spectrum be actually assigned by a specific date?

2) Under what conditions should spectrum be assigned to facilitate innovation in equipment and services by small and medium sized enterprises (SMEs)?

3) How and to what extent can the provision of seamless services across borders be supported by a coherent approach in spectrum management?

4) While maintaining a large amount of spectrum for the continued development of high quality pluralist broadcasting, should Europe take further action to ensure the complete transition to low/medium power use of the 790-862 MHz band and the provision of wireless broadband in order to ensure the widest possible coverage for EU citizens and business? Should coverage obligations be attached to these spectrum usage rights?

b. Social inclusion, Services for citizens

In addition to providing a necessary backbone for economic development, wireless communications play an important role in achieving ubiquitous access and bridging the digital divide. They may bring e-health, e-learning, e-government and other public services into the remotest parts of Europe, support high-quality and varied media, and are essential to civil safety and protection.

5) How can the EU ensure that broadband services effectively contribute to bridging the digital divide, for example by reaching previously underserved areas and segments of the population? How do wired, terrestrial wireless and satellite systems best contribute to this aim?

6) How can the EU ensure that European citizens get advanced, easy and affordable access to a wide choice of high-quality broadcasting content taking into account innovative technologies and platforms as well as incentives for investment? How do the various types of wired, terrestrial wireless and satellite systems and networks best contribute to this aim?

7) How can public users of spectrum in Europe (e.g. agencies or administrations active in safety or security activities) switch to more spectrum efficient technologies and access the appropriate amount of spectrum required for reaching their public service objectives?

c. Environmental and health protection

Satellite systems are an essential element in the important EU policy priority of monitoring the Earth's surface and assessing climate change.

8) How can Europe ensure that systems such as Galileo and the Global Monitoring for Environment and Security (GMES) have appropriate access to spectrum?

9) How and to what extent should the production and use of radio equipment increase its environment-friendly aspects? What are the trade-offs in terms of costs?

10) How can the protection of human health be further improved regarding the use of radio spectrum? Are further/different research efforts necessary?

d. Space exploration, transport safety

Space exploration is an important research activity, for which the use of spectrum requires specific protection against harmful interference. Use of radio spectrum is also essential to air safety.

11) Is there a need to increase the protection afforded to spectrum used for space exploration against interference by terrestrial activities? Should a coherent plan be developed at EU level to coordinate efforts for the protection of spectrum used for the promotion of space exploration?

12) What are the requirements and priorities to make spectrum available for a modernised air traffic control system in Europe and beyond?

e. Effective coordination at international level and negotiations with third countries

Negotiations in the World Radio Conference (WRC) will require positions coordinated at EU level to defend EU interests where there is an EU policy or competence at stake, or to promote the interests of the Member States themselves. The way in which third countries use their spectrum can heavily impact on the rollout of new services in the whole or part of the EU, and thus affect significantly the internal market and the attainment of EU economic development goals.

13) How can EU policy priorities best be defended throughout the negotiations at WRCs to guarantee effective solutions, and how is the EU position to be expressed to EU negotiating partners?

14) How could the EU contribute and support Member States in improving coordination of the use of the digital dividend and other important spectrum bands with non EU neighbouring countries?

f. Refarming and competition

The introduction of flexibility in the use of spectrum through the technology and service neutrality principles in the regulatory framework on electronic communications as well as the upcoming availability of the 800 MHz band have made competition safeguards necessary in the context of the so-called "spectrum refarming", where existing allocations are opened up to use by other technologies and services.

15) What measures, in particular regarding assignment of spectrum, could be needed at EU level to ensure that spectrum refarming best promotes service and technology innovation and progress?

16) Are measures necessary at EU level to ensure that competition between operators in the downstream service markets is not affected by spectrum refarming?

17) In order to improve flexibility in spectrum use and to stimulate competition, what steps should be taken to introduce spectrum trading in specific frequency bands? Is there a need for other harmonised assignment conditions? In order to avoid anticompetitive behaviour, what steps should be taken to prevent spectrum hoarding?

4. Contributions in practice

Contributions should be sent to infso-b4@ec.europa.eu **before 9 April, 2010** with the clear reference "Public Consultation Radio Spectrum Policy Programme".

Contributions will be published on [http://ec.europa.eu/information_society/policy/ecomm/radio_spectrum/rspp/index_en.htm] unless otherwise requested in the submission.