



# **ecta RESPONSE**

**TO THE PUBLIC CONSULTATION BY  
THE RADIO SPECTRUM POLICY  
GROUP**

**ON DRAFT RSPG REPORT “MOBILE  
TECHNOLOGY EVOLUTION –  
EXPERIENCES AND STRATEGIES”**

**23 DECEMBER 2022**

## 1. Introductory remarks and ecta considerations

1. ecta, the [european competitive telecommunications association](https://www.ectaportal.com/about-ecta),<sup>1</sup> welcomes the opportunity to provide feedback on the public consultation regarding the draft RSPG report “*Mobile technology evolution – experiences and strategies*” (hereinafter “The Proposed Report” or “The Draft Report”).
2. ecta represents those alternative operators who, relying on the pro-competitive EU legal framework that has created a free market for electronic communications, have helped overcome national monopolies to give EU citizens, businesses and public administrations quality and choice at affordable prices. ecta represents at large those operators who are driving the development of an accessible Gigabit society, who represent significant investments in fixed, mobile and fixed wireless access networks that qualify as Very High Capacity Networks (hereinafter “VHCN”) and who demonstrate unique innovation capabilities. ecta counts Mobile Network Operators (hereafter ‘MNOs’), Fixed Wireless Access operators (hereafter ‘FWA operators’) as well as Mobile Virtual Network Operators (hereafter ‘MVNOs’) among its members.
3. ecta warmly welcomes the RSPG’s initiative. ecta notes that the RSPG consultation primarily concerns 2G/3G shutdown and its consequences for emergency communications and legacy systems. ecta believes that the RSPG report, once finalized, will provide a significant contribution, in line with the EU and its Member States’ (hereinafter “MSS”) interests, to decisions that will be taken in relation with 2G/3G shutdown. Evidently, it is crucial to make sure that emergency communications are ensured before, during and after the process of shutdown .
4. **ecta generally agrees with the proposed positions of the RSPG in the Draft report.** Specific remarks follow hereafter.
5. First of all, ecta notes that on 18 December 2022, the Commission has published the “*Commission Delegated Regulation Supplementing Directive (EU) 2018/1972 of the European Parliament and of the Council with measures to ensure effective access to emergency services through emergency communications to the single European emergency number ‘112’*”.
6. The explanatory memorandum of the Delegated Regulation clearly states: “*The implementation of the EECC provisions coincide with the transition from circuit-switched to packet-switched network technology. While circuit-switching ensures a dedicated communication channel (circuit) between two end points in the network for the time period of the communication, packet-switching allows a more efficient utilisation of network resources by occupying the channel for the short period of transmission of data packets into which the communication is broken down, while reassembling it at the destination point. More effective mobile network technologies are being deployed today to cater for ever growing levels of data consumption. This is triggering the sunset of 2G and 3G networks, in which voice services are*

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<sup>1</sup> <https://www.ectaportal.com/about-ecta>

*provided via circuit switching. The roadmaps for the network switch-offs vary across Member States whereas the exact timelines are determined by mobile network operators. Meanwhile, the investment efforts are focusing on the deployment of 4G and 5G networks that rely solely on packet switching". (ecta emphasis added)*

7. In fact, the Delegated Regulation clarifies that: *"the migration from circuit-switched to packet-switched technologies in electronic communication networks triggers the deployment of voice services through IP Multimedia Subsystem based fixed and mobile managed VoIP technologies such as Voice over Long Term Evolution (VoLTE), Voice over New Radio (VoNR in 5G) and Voice over Wi-Fi (VoWiFi). Packet-switched technologies also enable text and video-based services like real time text and total conversation services. Those IP-based communication services cannot be supported by the legacy circuit-switched networks, such as 2G and 3G networks that are in the process of being decommissioned. Therefore, there is a need to migrate emergency communications to packet-switched technologies as well. This Regulation aims to ensure that in this transformational process the quality and reliability of emergency communications are ensured.* (ecta emphasis added)
8. ecta believes that the Draft RSPG Report comes just in time and provides the needed factual evidence and elements that could be usefully considered in dealing with the issues regarding 2G and 3G shutdown.
9. ecta in particular fully agrees with RSPG that based on the feedback from questionnaire and workshop, that it is useful and indeed necessary for the RSPG to recall the positive impact from technology neutrality and infrastructure competition towards evolution to newer radio technologies.
10. ecta firmly believes that the technology neutrality principle, and competition in all its forms, including infrastructure competition, are core enablers of innovation and investment in new technologies in telecoms markets, for the benefit of European society. In addition, those principles which are at the heart of the EU regulatory framework for electronic communications have been key for ensuring an inclusive European telecommunications market that is beneficial to end-user interests.
11. ecta underlines that the newer mobile generations, such as 4G and 5G, provide significant advantages. As stated by RSPG, 2G/3G phase-out to introduce 4G/5G is intended to increase spectrum and energy efficiency, ensure savings in network and maintenance complexity, improve communication security (better data encryption, authentication techniques), faster data speeds, reduce reserves of spare equipment and enable new use cases. These are all desirable benefits for operators and end-users. It is therefore a natural tendency for the M(V)NOs to go towards newer technologies as soon as possible. The evolution towards newer technologies by operators, on a voluntary basis and without imposition of the deadlines, is therefore also in regulatory authorities' and administrations' interest.

12. In light of these considerations, ecta fully agrees with RSPG when it states that as regards the 2G/3G switch-off, **it is up to mobile operators to decide on their best strategy according to the national situation/market.**
13. Having said that, ecta believes that the Recommended MNOs best practices, consisting of :
  - a. Transitional period,
  - b. Coverage matching what was previously offered,
  - c. Reasonable formal notice period,
  - d. A well-designed campaign involving direct targeting of affected customers, possibly assisted by the regulator,
  - e. Upgrade incentives for customers

**identified by looking at the various cases of the 2G/3G shutdown, can be a very useful tool for dealing with the forthcoming 2G/3G switch-off cases.**
14. In relation to the last best practice point, ecta wishes to underline that policies incentivizing the customers to go towards newer technologies, would be very useful considering that MNOs will logically not phase out the 2G network until all of their end-users' devices and the ones of their MVNOs are VoLTE capable;
15. In the same vein, **from a spectrum regulatory perspective, ecta, as RSPG, sees no need for regulatory intervention to extend the lifespan of 2G/3G.**
16. Finally, ecta, in relation to the smart meter services which rely on 2G/3G technologies, agrees with RSPG, when RSPG states that *It is up to utilities to decide on their own strategy depending on national market and situation.* In such cases, the situation appears similar to the one encountered in the e-Call for existing cars that would need a total replacement and would imply costs that are not insignificant and likely difficult to justify.
17. Similarly for the smart meters currently used by the utilities, one of the major challenges for a possible migration is due to the large amount of 2G equipment already installed and their expected long life, which would require specific campaigns in case of replacement and would imply costs including the costs already incurred for the installation and those relating to the equipment that is far from being depreciated.
18. In relation to emergency calls, ecta notes that the recent years have seen an improvement in the availability of **voice calls in 4G networks** through Voice over LTE (VoLTE). Nevertheless, ecta agrees with the RSPG finding which shows **that *not all 4G customers have the possibility to use this feature due to limitations in terminal equipment.*** (ecta emphasis added)

19. ecta wishes to underline that it fully agrees with this statement as it clearly confirms that the impossibility to use the VoLTE depends on the limitations at the level of termination equipment. These limitations, as emerges from the Draft Report, impact the emergency calls.
20. ecta takes positive note of the ongoing standardization work to create a limited set of VoLTE implementation profiles. This work would make it easier for device manufacturers to ensure their devices will support VoLTE. However, ecta deems this not a sufficient condition to ensure that all devices supporting 4G are able to make emergency calls. These standardization efforts, while providing an improvement to the issue, cannot be considered sufficient to eliminate the risk of having 4G devices without the needed configuration to call emergency numbers.
21. Therefore, ecta agrees with the RSPG when it states: *given the public interest involved with the availability of emergency services, it may in the end be necessary to mandate relevant stakeholders to ensure that devices that enter the EU market and support 4G (or future generations) are able to call the emergency number, regardless of the network it is operating on.*
22. RSPG identifies the Radio Equipment Directive (2014/53/EU)<sup>2</sup> (hereinafter “RED”) as the most appropriate legal instrument. In fact, the article 3.3 (g) specifically covers the ability of radio equipment to access emergency services and provides the Commission with the possibility to intervene through a delegated act to make sure that all devices entering the EU market are enabled to call emergency numbers regardless of the network on which they operate.
23. In fact, ecta underlines that the issue of VoLTE interoperability depends substantially on the device manufacturers, mobile operating systems, and chipset vendors, which should comply with the 3GPP standards. Ensuring the interoperability of devices with VoLTE for emergency communications is a technical task that only device producers can undertake<sup>3</sup>.
24. As a matter of fact, from a technical point of view, it is not possible for the M(V)NOs to configure the end-user devices and ensure interoperability with VoLTE.

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<sup>2</sup> Article 3 - Essential requirements

3. Radio equipment within certain categories or classes shall be so constructed that it complies with the following essential requirements:

(g) radio equipment supports certain features ensuring access to emergency services;

<sup>3</sup> The device producers should make sure that the device supports both the IMS and the CS (as well as circuit fall-back).

25. ecta therefore **calls on the RSPG to suggest in the final report a coordinated action by the institutions to make sure that:**

- f. All devices are enabled to ensure VoLTE interoperability for emergency communications.**
- g. The minimum setting is pushed on the device through a software update by the device producer or operating system provider.**

In such context, the responsibility of making sure that the user device is enabled to perform emergency calls rests exclusively with the device producer and not with the M(V)NO and/or with the end-user who technically could not and therefore should not be obliged to manage such burden.

This is because the M(V)NOs technically cannot do this operation and for users it would be very difficult to manually set up these updates on the handsets.

26. In relation to the e-Call framework, ecta fully agrees with RSPG when it suggests assessing the impacts on current licenses in force, which have been granted on a technology neutral basis and current market evolution towards newer technologies by an update of the e-Call framework.

27. ecta underlines that the EU Delegated Act published on 18 December 2022, does not include indications and guidance on the impact of 2G/3G switch-off and move to VoLTE/VoNR on e-Call. Therefore, it is **more than urgent that the Commission provides the needed guidance to all impacted stakeholders also in light of the expected outcome of the e-Call study<sup>4</sup>** that has been commissioned by the Commission and that is still ongoing.

28. ecta on this issue fully agrees with RSPG position on e-Call, when RSPG states that in the future, a technology neutral approach is preferable to avoid the same debate for future technology migrations.

## 2. ecta Concluding Remarks

29. In light of the observations, evidence and reflections provided above, ecta kindly invites the RSPG:

- i. To confirm in the final text, in relation to the 2G/3G switch-off, that it is up to mobile operators to decide on their best strategy according to the national situation/market.
- ii. To confirm in the final text, in relation to the expected lifespan of 2G/3G that there is no need, from a spectrum regulatory perspective for regulatory intervention to extend the lifespan of 2G/3G.

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<sup>4</sup> The Commission has commissioned this study to the APPLUS and IADATA.

- iii. To amend the final text in a way to make sure that RSPG calls on the Commission to proceed with preparing and adopting a Delegated Act to the RED, in order to introduce the obligation that devices that support 4G or future generations, entering EU market are enabled to call emergency numbers regardless of the network on which they operate.
- iv. To put more emphasis in the final text on the upgrade incentives for customers (consumers, business users, utilities, automotive OEMs, etc.), as those incentives could be key for encouraging those still using the 2G/3G only devices to switch to newer technology devices.
- v. To confirm in the final text, in relation to e-Call, that in the future, a technology neutral approach is preferable to avoid the same debate for future technology migrations.
- vi. To introduce in the final text a specific recommendation to call on the EU institutions for a coordinated action to make sure that:
  - a. all devices are enabled to VoLTE interoperability of emergency communications,
  - b. the minimum setting is pushed on the device through software update by the device producer or operating system provider.

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In case of questions or requests for clarification regarding this contribution, the Radio Spectrum Policy Group is welcome to contact Mr Luc Hindryckx, [ecta](#) Director General, or Ms Pinar Serdenecti, [ecta](#) Regulation and Competition Affairs Director.