

**Orange-FT Group response to the
Public consultation on the draft Radio Spectrum Policy Group Opinion on Streamlining
the regulatory environment for the use of spectrum**

Orange –FT Group thanks the RSPG for providing Industry the opportunity to comment this draft RSPG opinion.

Orange-FT, in general, supports the analysis and the recommendations made in this draft RSPG Opinion.

Orange-FT is convinced that the definition of an appropriate regulatory framework allowing an harmonised use of spectrum creates the necessary conditions for the development of industry and services in the European Union.

Orange FT considers that the co-operation between CEPT/ECC and RSCOM on the one hand, ETSI and TCAM on the other hand is essential for the definition of a consistent spectrum/radio-equipment regulation in Europe. On the whole, the current organisation of the work has led to satisfactory results.

However, Orange-FT recognises that further adjustments are needed in order to provide a more reactive regulatory environment .

In particular, in order to ease the introduction of flexibility and new technologies and improve the confidence of spectrum stakeholders, consistent regulatory solutions should be developed to to adress possible interference issues in a timely manner.

In addition to these general considerations, Orange-FT Group would like to stress the importance of the inclusion of Receiver Parameters in Harmonized Standards, in order to better support, in particular, the introduction of new technologies and to enhance flexibility.

Looking in detail into the legislation in force in Europe, the situation can be understood as follows :

Art 3.2 of the R&TTE Directive (Dir 99/05/EC) states :

" In addition, radio equipment shall be so constructed that it effectively uses the spectrum allocated to terrestrial/ space radio communication and orbital resources so as to avoid harmful interference "

and there does not seem to be any restriction on the scope of this statement.

Hence ALL pieces of equipment (in use) have to be so constructed to avoid harmful interference (and not just only a particular subset).

In order to be placed on the market, the "normal" route is that equipment fulfils the requirements of the appropriate Harmonized Standard.

There seems to be a consensus (in particular, in ETSI) that receiver parameters have to be somewhere, the question, for some ETSI Members - and more generally some stake holders - being sometimes in which type of deliverable they should be addressed.

a / If receiver parameters are addressed in an HS, as is the case, for example, in EN 301 908, and in many PMR standards, the situation is clear (and found satisfactory so far).

b / If receiver parameters are covered in a deliverable which is not an harmonized standard, for example in an ETSI technical specification (TS) or in an ES (ETSI Standard), the result is that there may be equipment, on the market and in use, that fulfils the requirements of such a document on Receiver performance while others will not necessarily fulfil those receiver requirements.

In the case of « Equipment fulfilling those receiver requirements » it can be expected that the appropriate HS (i.e. the HS corresponding to the transmitter) can be considered as fulfilling its role, and, therefore, ensure that Art 3.2 requirements are fulfilled, but this is true ONLY for equipment complying with those receiver requirements.

In the case where Receiver Parameters are not in the appropriate HS, there still may be equipment, on the market and in use that does not fulfil the requirements of the document on Receiver performance. Therefore, transmitters fulfilling the requirements of the HS may nevertheless generate interference (on such "poor receivers"), and the requirements of Art 3.2 may have not been fulfilled, while if the transmitter complies with an HS there is presumption of conformity of the Transmitter with the essential requirements of the Directive.

So, not having Receiver Parameters in the appropriate HS may lead to a contradiction.

As a result, in order to ensure that ALL pieces of equipment are so constructed to avoid harmful interference, as required by Art 3.2, the appropriate Harmonized Standard (i.e. the standard that covers the equipment to be protected) has to include the parameters required for those receivers in order to avoid the potential interfering transmitters generating harmful interference . These should include broadcasting receivers as it would help the implementation of the digital dividend.

Finally, as mentionned in item 5.5 of the Opinion, Orange-FT considers that requirements and views of stakeholders are essential to the completion of the process and supports participation of their representatives to the various regulatory bodies already mentionned including RSCOM.