

RESPONSE OF ETSI TO THE PUBLIC CONSULTATION ON THE DRAFT RSPG OPINION ON STREAMLINING THE REGULATORY ENVIRONMENT FOR THE USE OF SPECTRUM.

As the recognized European Standards organization in the field, ETSI has the important task to produce and maintain the technical standards which are necessary to achieve a large unified European market for telecommunications, other electronic communications networks and services and related areas.

A part of the work of ETSI is to produce European Standards in support of EU and EFTA regulation and initiatives. The ETSI Secretariat contributes to relevant regulatory committees and supports the ETSI technical organisation in answering to mandated work in a timely manner. ETSI Standards are developed by consensus between its members, which include National Administrations, Network Operators, Manufacturers, Users and others stakeholders. European Standards are adopted by a public vote administered by National Standards Organizations.

As a continuing key element of its strategy, ETSI, as the recognized European Standards Organisation in the field, seeks to increase and enhance its cooperation with CEPT/ECC, as the current key player in spectrum regulation.

ETSI welcomes the work of the Radio Spectrum Policy Group to investigate the EU regulations which have an impact on spectrum management, investigate the overall cooperation process between the EC, CEPT, ETSI and Notified Bodies and identify any areas where the current processes can be improved.

This response responds to process issues that directly affect how ETSI engages with the other bodies involved.

ETSI supports the conclusions of the draft RSPG Opinion, and in particular makes the following points:

Recommendation 5.7: "The RSPG notes that the more detailed technical issues associated with spectrum sharing conditions and parameters are defined in cooperation between ETSI and CEPT. These spectrum sharing conditions should be clearly identified and reflected in ETSI Harmonised Standard(s) and in appropriate CEPT deliverable(s). Technical overlap between the various regulatory deliverables should be limited to cases where such parameters are an essential part of the spectrum management decision".

Comment:

To develop conditions for spectrum use, ETSI provides to CEPT technical descriptions of reference systems which are potential candidates to use spectrum. To draft harmonised standards, ETSI needs CEPT to identify other spectrum users and the conditions to share spectrum with them. Cooperation between ETSI and CEPT is the cornerstone of the process. Such cooperation process was also identified in the ETSI secretariat business plan for 2008.

When the same technical parameters are duplicated in Harmonized Standards and in spectrum regulations, detailed liaison is necessary to ensure that parallel documents are kept in line. This constrains decision-making in ETSI and causes delay in the adoption of Harmonized Standards. The regulatory process would be streamlined if the duplication could be reduced or eliminated.

ETSI observes a tendency for EU regulations to specify more technical detail in cases where more flexibility is introduced in spectrum use (for example spectrum regulation at 2,6 GHz), or when a general authorisation regime is used. This increased duplication of parameters in Harmonized Standards and regulation may be a result of the lack of confidence in the RTTED felt by certain stakeholders which is referred to in the draft Opinion.

Spectrum allocations are increasingly independent of the technology that may be deployed in the band. In such bands (Flexible bands, WAPECS) it may be possible to reduce duplication, ETSI will increase cooperation with CEPT in order to adapt, if needed, its harmonised standards to innovative spectrum management techniques (for example, Block Edge Masks). On the other hand, ETSI will continue to support standardisation of technologies which could compete on the market place.

Recommendation 5.8: “The RSPG recommends that CEPT and ETSI should consider how to quickly adapt sharing conditions and parameters in response to new market development or interference situations.”

Comment: An increase in responsiveness would benefit ETSI members.

Individually ETSI Harmonized Standards and spectrum regulations can be modified rapidly. However, the technical duplication referred to under recommendation 5.7 requires that the ETSI standards can not be modified until equivalent spectrum regulations are also modified. Where possible, a reduction of technical duplication would enhance the responsiveness of the regulatory system. The RSPG recommends to reduce the level of technical details in EC Decision.

Recommendation 5.9: “The RSPG notes that the TCAM and RSCOM committees are often addressing similar issues of interference from the view point of the R&TTE Directive and spectrum management, respectively. Therefore, the activity of these committees should be even more closely coordinated. In addition, mandates to ETSI and CEPT should complement each other both in content and timing.”

Comment: This detailed co-ordination would be beneficial where specific standards are mandated to operate in specific mandated bands. However, if more flexible spectrum-management models are introduced and if technical duplication between regulations and Harmonized Standards is reduced or avoided, it may be possible to reduce the level of detail in the liaison that is necessary between TCAM and RSCOM. This would assist in streamlining the regulatory environment.

Recommendation 5.11: “Receiver parameters are important for spectrum management and for facilitating the introduction of new applications in spectrum. Therefore, the RSPG considers that the receiver parameters should be defined by ETSI in the harmonised and/or product standard for all equipment and be used consistently by CEPT in sharing studies as part of the assumptions for the intended use of the band.”

Comment: When developing standards for the avoidance of harmful interference it is necessary to know the technical characteristics of the potential victim receiver. These are usually specified in ETSI standards. The ETSI Technical Committee Electromagnetic compatibility and Radio spectrum Matters (ERM) is currently drafting a Technical Report on aspects and implications of using receiver parameters within ETSI standards (see work item DTR/ERM-TGRx-001 on <http://portal.etsi.org>).

Recommendation 5.16: “The RSPG considers that solutions should be identified in order to provide means for notified bodies to determine if any deviation from Harmonised Standard would impact the sharing conditions, in particular by ensuring closer relationship with CEPT/ETSI to give guidance where necessary to notified bodies. This could also be considered in the context of the revision of the R&TTE directive.”

Comment: Notified Bodies are required to give an opinion if a manufacturer wishes to place a product on the market without the use of Harmonized Standards. It is difficult to see how ETSI could take a role in this activity. There are also liability issues to be considered.

In practice, many Notified Bodies are also test houses which sell services to assess compliance with Harmonized Standards. Feedback from Notified Bodies to ETSI on the content of Harmonized Standards is encouraged. It may be beneficial to encourage Notified Bodies who are also test houses to increase their active participation in the standards process.

Many Notified Bodies are members of the RTTE Compliance Association (RTTECA). ETSI had investigated a co-operation agreement with RTTECA in 2002, but this was not desired by RTTECA at the time.

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