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Mrs. Marianne Treschow  
RSPG chairman  
Director General, Swedish National Post &  
Telecom Agency

Rome, 29<sup>th</sup> September 2008

Dear Mrs. Treschow

**Qualcomm response to the Public consultation on the RSPG Opinion on streamlining the regulatory environment for the use of spectrum**

Qualcomm welcomes the opportunity to respond to the RSPG public consultation on the draft Opinion regarding the streamlining of the regulatory environment for the use of spectrum. Qualcomm believes that in order to enable innovation, investments, competition and the successful commercial development of wireless technologies in Europe, a sound spectrum policy and regulatory framework should be based on pan-European implementation of harmonised long term technical spectrum usage rights enabling technology neutrality and standards competition.

Qualcomm is generally in agreement with the overall assessment and recommendations put forward by the RSPG in its draft Opinion. In particular, Qualcomm would like to put forward and highlight the following views:

1. *The definition of ex-ante and long term pan-European harmonised spectrum usage rights ensure stakeholders' confidence and foster investments and innovation*

Operators and technology providers need long term regulatory certainty with regards to spectrum use and interference conditions. The development and adoption of clear and long term harmonised spectrum usage rights, in particular harmonised band plans and associated block edge masks, enables technology providers to invest in R&D, to contribute to the development of standards and to deliver technologies and products in due time to meet market and users demands. It enables operators to formulate deployment strategies and trigger long term investments in networks deployment. It also allows administrations to license spectrum under harmonised technical conditions enabling economies of scale and attracting operators and investments. The adoption of pan-European spectrum usage rights which appropriately address interference issues

should therefore be done as early as possible in the European spectrum management process and should not be left for ex-post national regulations, in order to maintain stakeholders' confidence and foster investments and continuous innovation.

2. *CEPT has been instrumental in the adoption of harmonized pan-European spectrum usage rights appropriately addressing interference issues and involving all stakeholders*

CEPT has shown over the past years an incomparable and very valuable technical and regulatory expertise in spectrum management. CEPT offers a unique forum where representatives from different spectrum stakeholders, including administrations, operators, and technology providers, are able to contribute in a transparent way to the consensus building process in view of adopting harmonised measures for the spectrum use in Europe. CEPT has been able to develop and adopt in a timely manner ECC Decisions to cope with the technological and market developments. Due to a rapid development process, ECC Decisions enable a quick take up of the harmonized use of frequency bands in Europe. CEPT has also successfully developed and adopted Reports in response to Mandates issued by the European Commission with a view to ensuring harmonised conditions for the availability and efficient use of radio spectrum in the European Union. There have been coherence and complementarities between ECC Decisions and EC Decisions which provided the required certainty to market players. In order to maintain and improve the consistency between the Commission Decisions and CEPT Deliverables, it would be beneficial for the Commission to enshrine ECC decision technical elements into community law or cite ECC decision in a way similar to what is done with Harmonised Standards in the R&TTE process. It would also be beneficial for the Commission Decisions to be adopted only after the final adoption of the CEPT Reports and the associated public consultation process.

3. *Receivers parameters should be defined in ETSI Harmonised Standards*

Spectrum decisions and associated technical and sharing studies to efficiently plan the use of a frequency band are based on selected and agreed set of receiver parameters for which protection can be afforded. The protection of badly designed receivers could considerably reduce the efficient and flexible use of a frequency band and would prevent the introduction of new services and technologies in the longer term in this band. Receivers parameters should be considered as part of the conformity assessment process and therefore part of ETSI Harmonized Standards. ETSI Harmonized Standards for licensed bands (e.g. GSM, WCDMA, TETRA) or licensed exempt bands (DECT) have included receivers parameters and have proven to be successful in providing the required compatibility and protection for spectrum users.

The UHF spectrum is a concrete example where the definition and adoption of appropriate receiver parameters for DTT receivers in ETSI Harmonised Standard would enable the introduction of new technologies in a spectrally efficient manner in the Digital Dividend while affording the appropriate protection for DTT viewers. Taking into account that TV receivers are currently exempted from the RTTE Directive, appropriate ways should be found to develop ETSI Harmonized Standard for DTT receivers.

4. *Block Edge Masks (BEM) would need to be taken into account in the radio interface model as defined by TCAM/RIG*

The development of the WAPECS concept in certain specific frequency bands has highlighted indeed a new issue where individual authorisations would need to specify Block Edge Masks (BEM). Block Edge Masks associated with harmonised channelling arrangements enable to determine suitable sharing conditions at block boundaries that can be used in national licensing to ensure compatibility between adjacent spectrum users while allowing flexibility through the implementation of technology neutrality. The model for specifying the radio interface as defined by TCAM/RIG would therefore need to be re-examined to take into account the Block Edge Mask concept.

5. *The detailed sharing conditions, such as mitigation techniques, should be defined consistently in ETSI Harmonised Standards and in appropriate CEPT Deliverables*

The technical parameters and assumptions associated with spectrum sharing conditions and analyses are defined in very close cooperation between ETSI and CEPT. These spectrum sharing conditions, such as mitigation techniques, should therefore be identified and detailed in ETSI Harmonised Standards as well as in appropriate CEPT Deliverables in order to maintain consistency within the spectrum management process. European Commission Decisions and national radio interfaces may refer to these spectrum sharing conditions by citing the appropriate ECC Decisions. Indeed, this would enable regulations to quickly adapt to sharing conditions and parameters in response to new market development and interference situations without the need to go through the lengthy process of amending community laws and European Commission Decisions.

For any further information you may need regarding this response, you can contact Wassim Chourbaji (*email: [wassim@qualcomm.com](mailto:wassim@qualcomm.com), phone: +33620386431*).

Sincerely yours,

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**Head of Government Affairs, Europe Middle East and North Africa**