

**EICTA comments on the Draft RSPG Opinion  
on streamlining the regulatory environment for the use of spectrum**

Brussels, 29 September, 2008

EICTA appreciates this opportunity to comment on the RSPG opinion document on streamlining the regulatory environment for the use of spectrum. We are fully aware that an effective and efficient procedure of agreeing and deciding on conditions how to use the relevant parts of the European spectrum is essential for the entire industry in order to make innovative and successful investments.

We understand that this Opinion is rather focusing on needs to improve the spectrum related work on license-exempt spectrum, but think that some of the thoughts expressed in the document are applicable to other areas, too. While recognizing RSPG's view on the current process as outlined in sections 1, 2, and 3, EICTA would like to concentrate on section 4 and 5 which give some assessment and recommendations on the related procedures.

**Confidence of spectrum stakeholders**

Confidence of all stakeholders in the process of making decisions for the use of spectrum is an important factor of promoting and facilitating industry investments. We entirely agree with RSPG that transparency on how and why decisions are being made is vital to achieve the goals indicated in the document.

This is of particular relevance for parameters and usage conditions associated with any given spectrum part. We agree that both a proper initial definition and the capabilities of applying changes and/or amendments of/to these conditions based on systematically feedback of the various stakeholders are essential. Any changes, however, must take into consideration not to endanger existing spectrum users, because this would be detrimental to gaining confidence. Likewise, international agreements in particular on internationally harmonized bands must be kept valid as much as possible.

We also support RSPG's view that EC and ECC Decision covering the same subject should be aligned to avoid ambiguities, delays and extra effort. To some extent this process has been already started, but will need completion. We understand, however, that full coordination might not always be possible e.g. due to the deviating geo-political scope of the associated Decisions, but we would strongly recommend to consider procedures which allow savings of time consuming double work where ever possible.

## **Coherence between activities of EC, CEPT and ETSI**

EICTA fully shares the view of RSPG that mandates and responses of CEPT and ETSI should be closer coordinated both in time and content to ensure most efficient usage and to avoid unnecessary delays due to misinterpretations and add-on steps for further clarifications. We also welcome any approach undertaken between TCAM and RSC to identify commonalities on spectrum management issues and to lever potentials for improvements where useful.

Keeping in mind that CEPT responses to EC mandates are increasingly made under a certain time pressure, subsequent public consultations are a useful instrument to achieve transparency and consistency of the information and the approach taken. To that extent, we follow RSPG's opinion that ideally EC Decisions based on CEPT responses should not be finalized prior to the final results of the public consultation of the related CEPT document. While this may take additional time, this will in many cases avoid further steps and, hence, delays. So, overall the result would be actually better.

## **How to streamline the decision mechanisms etc**

Given the fact that spectrum at least in the most valuable range below 6 GHz will increasingly be required and remains – even increases - to be a precious resource, any action should be welcome to achieve most efficient spectrum usage. In this context, avoiding harmful interference may be rather seen as a minimum requirement.

EICTA explicitly welcomes that for the sake of this overall target all stakeholders should be invited to express their views and to be taken into account in a fair and transparent way. Likewise, we agree that effective consideration and due enforcement of related parameters is a must to achieve this goal and to maintain and improve credibility.

We also widely share RSPG's view on both short term and long term recommendations on how to improve the process environment. Basically, CEPT and ETSI are to align their views on the spectrum sharing conditions which is not only of short term significance, but is a must for long term considerations as well. Likewise, we would like to invite TCAM and RSC to more closely cooperate on avoiding parallel effort for similar spectrum related issues.

EICTA would, however, also like to express that long-term recommendations should not only outline on topics which are related to license-exempt areas, but should also include considerations on all areas including specific licenses where appropriate in order to more closely coordinate amongst the EU Member States. We think that this investigation could be useful already in parallel to the ongoing changes of the spectrum framework.

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