



Telefónica Group response to consultation on draft RSPG Opinion on "Streamlining the regulatory environment for the use of spectrum"

General comments

Telefónica would like to thank the Radio Spectrum Policy Group (RSPG) for giving stakeholders the opportunity to comment on the draft Opinion on streamlining the regulatory environment for the use of spectrum. We consider this to be an important issue that is complementary not only to the previous RSPG Opinion on flexibility (WAPECS), but also to the current debate about the European Regulatory Framework. Telefónica agrees that it is necessary to ensure consistency between the various regulations affecting the use of spectrum, and that co-operation between the European bodies involved in spectrum should be improved where possible.

Fundamentally, we agree with the RSPG that the primary concern during the streamlining review should be the maintenance of confidence in the regulatory environment that would enable stakeholders to continue to operate and invest in radio services on a secure basis. This is particularly important where existing holders of individual authorisations are to be asked to consider sharing the radio spectrum with new spectrum users. Whilst maintaining this level of confidence, Telefónica agrees that there is scope for reviewing the current co-ordination processes to ensure that technical regulations for new services can be introduced in an expeditious manner. Nevertheless we believe, like the RSPG, that the primary roles and functions of the responsible organisations should not be questioned and that they should continue to work coherently but independently. All stakeholders should continue to be given the opportunity to be involved in discussion of sharing issues within the CEPT, and standards issues within the ETSI project teams and working groups. Telefónica also agrees with the RSPG that confidence, clarity and certainty regarding the regulatory environment are needed to avoid confusion, misunderstanding and delay.

When the Commission is considering the introduction of a binding spectrum Decision, we agree with the RSPG that it is essential to ensure coherence between the respective Mandates that are issued to the CEPT and ETSI, in terms of both scope and timing. In the particular case of CEPT Mandates, Telefónica considers that it is important for the Commission to take fully into account the result of the public consultations on the CEPT Reports and any other deliverables. We therefore agree with the RSPG that the Commission should avoid finalising a Commission Decision until the respective processes within the CEPT and ETSI are complete.

With regard to the discussion of radio system parameters within the streamlining review, Telefónica agrees that it is essential to base work on an agreed set of reference parameters. Care should be taken to ensure that there is no room for ambiguity in them and that the parameters used by ETSI should be consistent with those used within the CEPT and, where appropriate, the ITU.

Technical regulations applying to the use of spectrum

We agree with the RSPG that, in general, the current process relating to the initial designation of spectrum works well, in terms of the co-ordination between the Commission, the CEPT and ETSI. However, Telefónica considers that, where there is consideration of the additional use of spectrum by devices under general authorisation, it would be better to maintain the confidence of existing spectrum rights holders through the application of a cautious approach in the assumptions made in sharing studies, rather than the use of large scale experimentation. As the RPSG has correctly identified, it is very difficult to place more stringent requirements on the conditions of use of devices under general authorisation at a later date.

Telefónica believes that relevant technical conditions developed by the CEPT in response to a Mandate should be transferred to the appropriate EU regulatory instrument, but we agree that it should be made more clear where the proposed technical elements are to be included.

RSPG recommendations

Telefónica notes and supports the general principles that the RSPG has defined when formulating their draft Opinion on streamlining.

Telefónica also agrees with the RSPG recommendations, but we note:

- The recommendation to introduce receiver parameters into harmonised and/or product standards for all equipment may introduce significant transitional issues, particularly if they were required to be introduced retrospectively into current equipment standards where they do not at present exist.
- Further information about the model for radio interfaces developed by the joint working group of RSCOM and TCAM should be included in the Opinion for clarity and information.
- The background to the recommendations relating to the forthcoming revision of the R&TTE Directive may need to be expanded upon in the Commission's proposals to ensure a full understanding of this complex topic by all stakeholders.
- Clarification of the role and place of the detailed technical elements in each of the regulatory deliverables should be addressed as a matter of urgency.

Finally, we support the reminder from RSPG to national administrations that their participation in the activities of ETSI is important.