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Submission on Public Consultation on

***“Draft RSPG Opinion on the implementation of the current RSPP and its
revision to address the next period”***

(RSPG15-621)

Lisboa, 2015

RSPG Public consultation on

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General Comments

I fully agree with the assessment made by RSPG and with its Opinion *“on the implementation of the current RSPP and its revision to address the next period”*.

I fully disagree with the European Commission assessment of on the work made by RSPG and by national authorities. To overcome difficulties I consider that spectrum governance in Europe must change.

I also consider that, given his knowledge and experience, the RSPG is the entity best able and with better conditions to develop and monitor the implementation of EU spectrum policies.

Likewise RSPG, I am of the view that the objectives of the first RSPP have been fulfilled.

Specific Comments

1. The next RSPP

I consider that it is appropriate to revise the current RSPP in a time frame of 5 years. In my opinion, there is no need to wait for the conclusion of the review of the Telecom Framework Review (the DSM package).

I support the recommendation to maintain a reference to RSPP in the future Framework Directive.

I also consider that Article 8a of Framework Directive should be modified so that RSPG opinion become binding to the European Commission.

2. Spectrum Regulatory Framework

I consider, RSPG should be the body responsible for the definition and the driving of European spectrum policies, at EU level. Accordingly, the review of the regulatory framework that is now beginning must, inter alia:

- (i) Repeal Decision 2002/622/EC and Decision 2009/978/EU;
- (ii) Adopt a new Regulation establishing the RSPG;
- (iii) To entrust the new RSPG with decision powers and binding opinions.

3. Technical harmonization, technology and service neutrality

I support RSPG opinion on technical harmonization of the radio spectrum and on the promotion of the principle of technology and service neutrality in spectrum rights of use, where possible.

In what concerns common deadline to implement European technical harmonization I consider that some degree of flexibility should be allowed to Member States and that, in certain situations, funding from the Union should also be considered. The flexibility on deadline to implement European technical harmonization may imply the modification of the Spectrum Decision.

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I agree with the need to investigate unintended effects of harmonization measures. However, in my opinion, some harmonized bands are left unused or not heavily used because the principle of service neutrality is not fully implemented.

4. Spectrum Sharing

Spectrum sharing is a powerful tool of spectrum use management. However, sharing implies the commitment of all users to respect stringent technical conditions as well as terms of exploiting agreements with clear allocation of responsibilities. Moreover, spectrum sharing conditions must be compliant with ITU Radio Regulations.

I consider that RSPG13-538, "*Opinion on Licensed Shared Access*", remains a timely and valid document

and

I fully agree with RSPG when it states that coherence between spectrum regulation and harmonised standards is absolutely necessary

and

Finally, I consider National Authorities must facilitate and incentivate spectrum lease and spectrum pooling, in particular underused public spectrum.

5. Making a Band Available

Making a band available is a matter of national responsibility and a national competence. This must be maintained.

When deciding to make a band available, Member States must have in due consideration European Common Policies and Objectives.

I agree with RSPG recommendation to maintain the approach to address setting deadlines for making a band available on a case-by-case basis taking in due account the band specifics. In my view, national specificities must be considered.

In the case of the 700 MHz band, prior to the adoption of measures including deadlines, Member States must develop an impact assessment and decide about costs funding, including those borne by consumers as a result of any necessary technological upgrade.

6. Trading or leasing of Spectrum rights of use

Article 9b of the Framework Directive states that: "1. Member States shall ensure that undertakings may transfer or lease to other undertakings in accordance with conditions attached to the rights of use of radio frequencies and *in accordance with national procedures* individual rights to use radio frequencies in the bands for which this is provided in the implementing measures adopted pursuant to paragraph 3." To this purpose, I would like to suggest RSPG to publish guidelines to facilitate and,

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whenever possible, harmonize national procedures for the transfer and lease of frequency rights of use.

7. How to address 5G challenges

I fully support RSPG recommendations on actions to prepare Europe for new spectrum for 5G applications and services above 6 GHz.

8. Broadcasting in UHF band

I agree with the recommendations of RSPG regarding sub-700 MHz band, availability for DTT and conditioned flexible use for WBB downlink.

However, considering, (a) that in the field of spectrum management the time between the identification of the necessary measures and their implementation is usually long and (b) the technological evolution, the convergence of broadcasting and mobile platforms, I am of the view that RSPG should be more ambitious and so I advocate a European proposal to the next WRC for the allocation of the 470 – 694 MHz frequency band to broadcast and mobile services on a co-primary basis.

9. External Relations

I agree with the RSPG assessment in what regards the modification of ITU Radio Regulations.

and,

I support the recommendation to apply the principle of sincere cooperation by involving the Member States in the decision making process of agreements covering spectrum aspects in order to ensure a coherent EU strategic policy.

10. Role of the RSPG to support EU Policy Objectives

I agree with the RSPG in the identification of benefits of enhancing its role in the institutional framework and I would like that the Opinion on the Digital Single Market to be developed by RSPG could include proposals in line with view expressed in point 2 of this document.

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