



Response to Radio Spectrum Policy Group Consultation

RSPG21-027 FINAL

Draft RSPG Opinion on the role of radio spectrum policy to help
combat climate change

31 August 2021

I. Introduction

1. MVNO Europe welcomes the RSPG's initiative to consult interested parties on its draft Opinion on the role of radio spectrum policy to help combat climate change – RSPG21-027 FINAL.
2. MVNO Europe is pleased to provide its brief comments.
3. We agree with the RSPG that the fight against climate change is an important policy objective, applicable to all sectors, and thus also radio spectrum management.

II. Comments on Points 5 and 7 – Focus on self-regulation and voluntary initiatives; criteria in case binding measures are considered

4. MVNO Europe supports the RSPG's draft Opinion, in particular its second section, which places emphasis on self-regulation and voluntary initiatives of the wireless ECS sector to incentivise the use of renewable energy (point 5). If in the future the EU or Member States would take legislative or regulatory action to enhance voluntary initiatives, or to impose binding regulation, it is important, as the RSPG indicates (point 7), that any binding measures should:
 - Follow the criteria for all regulatory actions, such as non-discrimination.
 - Be based on relevant facts and analysis, so as to use the most efficient measure from an overall societal point of view.
 - Be underpinned by the principle of service and technology neutrality, and that any such measures should be general rather than specific.
5. In MVNO Europe's opinion, this means that, in case binding measures are considered:
 - a) Account needs to be taken of the positive contribution that ECS wireless operators, and MVNOs, will bring to all other sectors and to society overall, and
 - b) Attention is needed to avoid that an additional layer of obligations and/or administrative burden specific to ECS wireless operators, and MVNOs, is imposed, potentially extending obligations on such operators over and above horizontal measures that may be adopted for all industries.
6. MVNO Europe asks the RSPG to reflect the above points a) and b) in the final text of its Opinion on the role of radio spectrum policy to help combat climate change.

III. Comments on Point 26 – MVNO access and network slicing should be recognised as indirect ways to share scarce spectrum resources and infrastructure, and thus as a way to help reduce the carbon footprint of wireless ECS while maintaining competition objectives

7. MVNO Europe welcomes the fact that Point 26 of the RSPG's draft Opinion contains the following statement:

The RSPG recommends that Member States assess how active or passive infrastructure sharing may help reduce the carbon footprint of wireless ECS while maintaining competition objectives. Based on the results of these assessments, Member States should consider enabling infrastructure sharing among operators.

8. MVNO Europe is on record with the RSPG as expressing its wish that the RSPG would recognise the value of wholesale access in its various modalities (international/national/local/indoor roaming, MVNO access, network slicing, etc.) as an indirect way to share scarce spectrum resources, and to avoid duplication of network investments where direct RAN competition is not feasible or desirable. These points are equally valid where it concerns combating climate change.
9. In the particular context of fighting climate change, we would further add that MVNO access is a form of sharing scarce spectrum resources, and passive and active infrastructure, in a way which strongly limits additional carbon emissions, since no additional RAN transmission equipment and backhaul/backbone is typically involved when MVNOs provide services.
10. Similarly, network slicing, which is an essential feature of 5G, is a way of promoting new forms of sharing, new forms of competition and innovation more generally. It could also contribute to reducing carbon emissions. It would be a pity if network slicing were not to materialise, or would not become available under fair and reasonable conditions.
11. On the basis of the above, MVNO Europe suggests a rewording of Point 26 as follows:

The RSPG recommends that Member States assess how active or passive infrastructure sharing, as well as the promotion of wholesale MVNO access and network slicing, may help reduce the carbon footprint of wireless ECS while maintaining competition objectives. Based on the results of these assessments, Member States should consider enabling infrastructure sharing among operators and requiring spectrum holders to provide wholesale MVNO access and network slicing to interested parties.

12. Please allow us to emphasize, for the avoidance of doubt, that Competent Authorities are empowered to impose wholesale (Light and Full) MVNO access, on their own initiative (and also in application of Article 5 of the EU Radio Spectrum Policy Programme and article 52 of

the European Electronic Communications Code). Wholesale access obligations have effectively been mandated through radio spectrum allocation proceedings in several EU Member States. Most recently, in 2020 and in 2019, Portugal, the Czech Republic and France have imposed such requirements, with Full MVNO access being explicitly mandated in spectrum assignment proceedings in all three countries (in the cases of the Czech Republic and France through signed commitments of the bidders for radio spectrum). The French decision also explicitly addresses network slicing as a regulatory obligation (commitment to be entered into).

- a) Portugal: Article 45 of the Auction Regulation for the Allocation of Rights of Use of Frequencies in the 700 MHz, 900 MHz, 1800 MHz, 2.1 GHz, 2.6 GHz and 3.6 GHz bands, addressing network access obligations (English language text available¹).
- b) Czech Republic: Invitation to tender for granting of the rights to use radio frequencies to provide electronic communications networks in the 700 MHz and 3400–3600 MHz frequency bands (English language text available)². See especially in Annex 2A, the section requiring a Commitment to provide wholesale offer (for existing mobile network operators)³.
- c) France: ARCEP Decision on the modalities and conditions for granting spectrum rights of use in the 3,4-3,8 GHz band in metropolitan France to establish and exploit a mobile radio network open to the public⁴. See especially Section I.6.1, entitled “Engagements d’accueil des MVNO” (pages 33-34), and Section I.5.1 entitled “Obligation d’ouverture commerciale d’offres basées sur des services différenciés” (on network slicing, page 30-31). This ARCEP Decision was validated by Government Decision of 30 December 2019⁵.

IV. About MVNO Europe

13. MVNO Europe represents various types of Mobile Virtual Network Operators (MVNOs), with different business models, addressing consumers, business users (including start-ups/scale-

¹ Regulation no. 987-A/2020, of 5 November 2020: <https://www.anacom.pt/render.jsp?contentId=1573881>

² Ref. No. ČTÚ-38 426/2020-613, dated 7 August 2020. An English version of all documents is provided below the main body of the announcement of the procedure.

³ Page 8 and following of Annex 2A:
<https://www.ctu.eu/sites/default/files/obsah/ctu/announcement-invitation-tender-granting-rights-use-radio-frequencies-provide-electronic/obrazky/annex2adeclarationincumbentoperator.pdf>

⁴ Decision 019-1386 of 21 November 2019: https://www.arcep.fr/uploads/tx_gsavis/19-1386.pdf

⁵ <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000039699703>

ups)/medium/large businesses, the public sector, ICT service/systems integrators, and Internet of Things (hereafter 'IoT') markets, etc. <http://www.mvnoeurope.eu/members>

14. MVNOs currently represent +/- 10% of SIM cards in the European Union.
15. The term "virtual" refers to the fact that MVNOs do not control radio frequencies and related mobile physical infrastructure (antennas, base stations etc.). However, MVNOs do control the necessary hardware/software/resources to provide wireless/mobile services and may own other telecom infrastructures depending on the extent of their business model.
16. Our members provide mobile-only offers, fixed-mobile convergent offers and offers incorporating audio-visual media content, financial services, machine-to-machine communications, embedded data SIMs for tablets, laptops and other devices, connected mobility for vehicles, IoT in a broad sense, etc. Some of our members are also active on wholesale markets as MVNE (E=Enabler) / MVNA (A=Aggregator) supporting other companies and brands that provide wireless/mobile services. MVNO Europe does not represent branded resellers.
17. MVNOs contribute strongly to innovation and competition and provide clear Business to Consumer (B2C) and Business to Business (B2B) end-user benefits. MVNOs also contribute to financing mobile network infrastructure through payment of wholesale charges which assure revenues to Mobile Network Operators, whilst avoiding costly duplication of network assets.

V. MVNO Europe Contact Details

Should you require any clarifications or further information on the elements and positions set out by MVNO Europe in this document, please contact:

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