

TI's response to the public consultation on the RSPG Work Programme "2014 and beyond"

1. Introduction

TI welcomes the Radio Spectrum Policy Group (RSPG) invitation to express comments and views in relation to the draft RSPG 2014 Work Programme.

TI agrees in principle with the list of topics proposed by RSPG as draft work program, and endorses the considered working areas, as they indeed represent the spectrum allocation matters which have the greater relevance for the forthcoming market dynamics.

It is very important that not only Member States and the European Commission, but also the whole industry acquire a common view on the European priorities and main objectives to be addressed at different levels.

In this context, a central role should be given to RSPG Opinions and Reports, and TI underlines the importance to give all stakeholders the chance to comment on the draft RSPG Opinions, Reports or Position papers.

The main points that TI addresses in the following are:

- a) The long-term strategy on the future of the UHF band in the EU and 700 MHz mandate:
 - o the rapid definition of the electromagnetic environment of the 700MHz band is of utmost importance, also in the light of international developments;
 - o the timeframe already advised by the ITU should in any case be respected.
- b) The efficient awards and use of spectrum bands harmonised for Electronic Communications Services (ECS):
 - o TI considers of utmost importance the use of technologies based on European standards to ensure interoperability of services: owners of right of use should only implement, for the provision of services, technologies based on international standards;
 - o moreover, new forms of operational usages, as for example small cells and TDD fixed links, or innovative right of use models, as for example leasing, trading, incentive payments, should be analyzed through dedicated processes;
 - o the awards of spectrum bands should implement the least onerous authorisation system, with exclusive spectrum allocations as the primary right of use model;
 - o spectrum awards should only concern fully available frequency bands (e.g., whose clearance from previous services is already completed).
- c) the review of the RSPP
 - o TI agrees on the opportunity to trace a roadmap for future broadband spectrum and the definition of a long term strategy for spectrum harmonization in the very long term, taking into account coordination both at European and at world level in order to seize the opportunities of economy of scale made available by a wider diffusion of the same standard and technology
 - o this is the case of, for example, the frequency band 3.6-3.8GHz, regarding which a common decision by the next WRC-15 is expected: a coordination at European level should be promoted to grant the right of use of this band of frequency only after the final decision of WRC-15.

- d) WRC-15 preparation (common policy objectives for WRC-15)
- TI considers as essential the active participation by the EU institutions to the works of ITU and the consolidation of a common opinion on the topics to be discussed during the WRC-15;
 - TI highlights the importance of individuating a harmonised channelling arrangement for mobile services in the 700MHz taking into account the necessity to exploit the potential economy of scale of a solution that is harmonised with the channelling in other areas (i.e., Asia-Pacific and Latin America).
- e) “Good offices” to assist in bilateral negotiations between EU countries
- TI deems that the RSPG “good offices” should not be intended to replace ITU coordination procedures and RSPG should not be an arbiter which can enforce obligations on parties.
 - In other words, TI thinks that the RSPG intervention should be appropriate only with the agreement of all the concerned parties, in cases in which the cross-border coordination cannot be solved by normal ITU and bilateral negotiation processes.

Regarding the proposal of the European Commission for a Regulation concerning the Telecoms Single Market (TSM), TI considers that the RSPG Work Programme should include the main topics considered by the EC proposal of the telecoms single market, with particular reference to:

- the harmonisation of the rights of use;
- the general authorisations principles;
- the spectrum allocation procedures.

2. Long-term strategy on the future of the UHF band in the EU

The future use of the UHF band should be widely discussed among all the stakeholders, considering the possible impact that the evolution of the platforms to distribute the media contents may have on the spectrum needs (i.e. delivering HDTV and 3DTV with alternative platforms like satellite or cable/fibre and mobile networks).

Consequently, TI will welcome any initiative aiming at the development of a long-term strategic policy on the possible future convergence between broadcasting and mobile platforms and the delivering of media/audiovisual services and high-audience video and data to mobile devices.

To this extent, in assessing the possible implementation of WBB in the 700 MHz band in the EU, the rapid definition of the electromagnetic environment of the 700MHz band is of utmost importance, considering that making the 700 MHz band available for mobile services would require extensive re-planning activities, and in view of the development of services, technologies and devices applicable to this range of frequencies as in the rest of the world.

The policy to facilitate a possible migration to make available the 700 MHz band to wireless broadband should in any case respect the timeframe already advised by the ITU.

3. Efficient awards and use of spectrum bands harmonised for Electronic Communications Services (ECS)

Planning the future spectrum demand is of utmost importance, due to the increasing demand for mobile broadband services, the convergence among content distribution, fast access to information and mobile communications and the necessity of optimizing the use of frequencies in the next years.

The way to create sustainable consumer benefits and increased competition should start by creating legal certainty in the market to consolidate solid investment incentives, foster innovative services and increase competition in order to achieve benefits for consumers, market operators and society.

TI agrees on the importance of analysing the demand and the technological trends to determine the current and future spectrum need and on the requirement of defining suitable policies to provide sufficient resources in order to match the demand and to deliver the greatest collective and economical benefits.

In order to make more spectrum available for mobile broadband, any effort to employ new technologies and finally to explore new ways to increase spectrum efficiency should first and foremost be promoted.

It is important to consider that policy measures could have a different impact on different industries: industries with high spectrum efficiency such as the mobile industry should be safeguarded from possible measures addressing industries with poor spectrum efficiency.

In this respect, TI deems that the priority should be given to identifying the spectrum demand necessary to deploy the mobile broadband services that are a key enabler of economic growth and innovation, and whose exploitation will be improved by a harmonized regulation boosting the convergence between industry and member state interests.

Owners of right of use should only implement, for the provision of services, technologies based on international specifications, technical interfaces and network functions adopted by the European standard organisations, to the extent of ensuring interoperability of services, following Article 17 of Directive 2002/21/EC and Article 1 of Directive 2009/140/EC.

New forms of operational usages, as for example small cells and TDD fixed links, or innovative right of use models, as for example leasing, trading, incentive payments, should be carefully analyzed by dedicated processes, compatible with the main objective of providing efficient broadband services to the largest possible audience.

Regarding the awards of spectrum bands, it is important, in the future, to implement the least onerous authorisation system on the basis of objective, transparent, non-discriminatory and proportionate criteria, ensuring that the allocation conditions are based on the equality of treatment.

In this context, exclusive spectrum allocation remains the primary means for public cellular mobile services to access spectrum, as exclusive (individual rights) licenses for Telco operators have proved their ability to promote competition and development of innovative services as well as efficient used of frequencies.

As a matter of fact, exclusive access licensing has well known associated benefits such as good interference management, high degree of market certainty, which is necessary to create adequate investment and innovation incentives, high standardization degree and economies of scale necessary for business development.

The mobile industry is a clear example of technically and economically efficient use of spectrum and, therefore, exclusive use should remain the prevailing approach to spectrum assignment also for future frequency assignments.

In addition, the fees for the right of use of the frequency resources should converge to figures based on the actual commercial, economic and social value of the spectrum.

Coverage obligations should only satisfy the requirement to cover areas that are not yet reached by any broadband solution, both fixed and wireless.

Finally, spectrum awards should only concern fully available frequency bands whose clearance from previous services is already completed, in time to let the new assignees plan their exploitation on the basis of the certainty of their availability.

An additional possible spectrum policy issue that will probably require a harmonization at European level in the medium/long term is the methodology to grant the rights of use of harmonised bands with the objective of obtaining common usage right durations, deadlines and/or renewal periods.

4. The review of the Radio Spectrum Policy Programme

TI has always supported the Commission initiatives to develop a multiannual Radio Spectrum Policy Programme (RSPP) and, therefore, underlines the importance of a close coordination between the radio spectrum policy and the implementation of the Digital Agenda for Europe, with a strengthened role of the RSPG.

A long-term strategy should take into account that the frequency bands have to be reserved to applications which can efficiently use the spectrum resource and can be beneficial to society: those applications which can really bring economic and social benefits should be preferred.

As a consequence, TI agrees with RSPG on the opportunity to trace a roadmap for future broadband spectrum needs and the evaluation and definition of a long term strategy for spectrum harmonization to enable the wireless services in the very long term.

Almost all the goals set by the Decision 243/2012/EU of March 2012, establishing a multiannual radio spectrum policy programme, have been reached so far, exception for some objectives that may be probably obtained in the next years due to the extension of the standardization scope to a global level.

This is the case, for example, of the frequency band 3.6-3.8GHz, on which a common decision by the next WRC-15 is expected that should extend the related standardization to a global level. Coordination at the European level should be promoted to grant the right of use of this frequency band only after the final decision of WRC-15, in order to seize the opportunities of scale economies made available by a wider diffusion of the same standard and technology.

5. WRC-15 preparation

TI considers as essential the active participation by the EU institutions to the works of ITU and the consolidation of a common opinion on the topics to be discussed during the WRC-15.

TI thinks that the WRC-15 outcomes will be crucial to meet the long-term spectrum demand, whose accomplishment is fundamental to ensuring that all EU member states can continue to reap the significant potential for economic growth, job creation, innovation and resource efficiency generated by mobile broadband.

TI deems that an effort should be done by the EU institutions to comply with ITU directions regarding the allocation of the spectrum bands to wireless broadband services, starting the regulatory activities in a timely manner but without anticipating the decisions taken by ITU.

In particular, TI highlights the importance of defining a harmonised channelling arrangement for mobile services in the 700MHz band, in time for WRC-15, taking into account the need to exploit the potential economy of scale of a solution that is harmonised with the channelling in other areas (i.e., Asia-Pacific and Latin America).

6. “Good offices” to assist in bilateral negotiations between EU countries

TI agrees, in principle, with the proposed process based on the RSPG “good offices” for the bilateral negotiations between EU countries and is interested in joining the working groups addressing a possible approach and viable solutions to the harmful interference issue.

However, TI deems that this process should not be intended to replace ITU coordination procedures and RSPG should not be an “arbiter” which can enforce obligations on concerned parties.

Intervention at the political level may be appropriate only, for example, in cases where frequency coordination agreement cannot be reached solely by technical solutions and in circumstances where frequency coordination processes are undertaken but no agreement is achieved.

In other words, TI thinks the RSPG intervention should be appropriate only with the agreement of all the concerned parties, in cases in which the cross-border coordination cannot be solved by normal ITU and bilateral negotiation processes.