

- Q.1 Do you agree with this operating definition of WAPECS? Do you consider that the WAPECS concept should include spectrum intended for private, as well as public, applications?

The WAPECS concept and the objective, including the definition¹, is unclear. In general, it would be better to focus on evolutionary, improvements to the existing regulatory framework, where justified.

It is not clear whether the intention is to use the term WAPECS to define technology neutrality or to increase competition and flexibility generally. Competitive services are possible without technology neutrality (see paragraph 2 on Lisbon agenda). Anyway, the WAPECS definition given does not really express the technology/service neutrality that is implied later in this consultation document (e.g. on page 10 and in the discussion on bands.)

In general, Nokia supports regulatory efforts to facilitate the evolution of existing, international standardised radio interface techniques and their operation in the worldwide harmonised spectrum.

- Q.2 Do you consider that the term “platform” should be more closely defined? If so, what definition do you propose?

The definition of platform “regardless of the technology and bands they use” is unclear and can be a source of several misunderstandings.

The term “platform” should be more closely defined as it is currently quite de-focused. If platform is meant to be some kind of technology independent service platform, then already today, various content and services can be distributed with available and planned telecommunication systems. In this case a new WAPECS definition for technology independent service platform might not be needed.

If the WAPECS terminology of platform is related to spectrum regulation of mobile communications, related to the identification of IMT-2000 bands by ITU WRCs, there is a clear regulatory evolution path from 2G/GSM via UMTS/3G to enhanced 3G and systems beyond. Again in this case a new WAPECS definition might not be needed.

- Q.3 What, if any, constraints should there be on the provision of services using spectrum primarily in the broadcast domain?

Digitalization of broadcast networks will give new opportunities for media industry to offer broadcast services, like TV and radio programs, to all product categories including the fixed, portable and mobile handheld devices.

¹ “Wireless access platforms for electronic communications services (WAPECS) are the platforms used for radio access to electronic communications services, regardless of the bands in which they operate, or the technology they use.”

While some content regulation will still be needed, many of the traditional restrictions and regulatory constraints of public broadcast services need not be applied to the new mobile broadcast market. The market entry and development of long term business opportunities, in the whole value chain, should be supported by flexible regulative environment and supportive licensing policy. This will enable synergies and create the new, converged business environment for both telecom and broadcast services.

Q.4 What specific rules should be introduced or maintained to safeguard the delivery of Services of General Economic Interest in the future? Is it most appropriate to deal with these issues through the regulation of spectrum, or through other instruments such as competition law or state aid policy?

Market mechanisms work well when the competing parties have comparable effects (costs or benefits) on 3rd parties. This is not the case when commercial services and SGEI are competing for the same raw material (spectrum). In an efficient spectrum market, the benefits derived from the spectrum are maximised, because the buyer who expects the greatest benefits offers the highest price. However, this is not the case when there are benefits to third parties. In this case, the spectrum price no longer closely reflects the benefits. For example, the benefits derived from an ambulance service or from watching TV are not directly related to the spectrum values or advertising revenues. Therefore the market in this case would be neither fair nor efficient.

Competition law is not an appropriate solution here since it is designed to regulate goods and services rather than access to raw materials such as spectrum. The state could directly fund the acquisition of spectrum (at commercial rates) for SGEI but this could be expensive for the taxpayer, especially if spectrum has to be acquired from the market (rather than national holdings.)

2G/3G mobile services, or a core subset inside 2G/3G services, are services of great economic interest and cannot be provided without using harmonized spectrum. These mobile communication services with great economic interest need clear regulatory certainty.

Q.5 How do you think changes in spectrum policy will impact on the requirement for standardisation? What policy will best ensure the timely availability of standards?

No specific change required

Q.6 Are there any other challenges that the RSPG should consider?

We refer to the answers we gave to the RSPG consultation on trading, in particular with reference to some problems arising from flexible spectrum use.

http://rspg.groups.eu.int/doc/consultations/comments_secondarytrading/reply_specttrad_nokia.pdf

Q.7 What is your view on the long-term policy goals mentioned above and more specifically on how to achieve the right balance between “minimising and harmonising constraints” presented under point 9?

The text in points 7 and 9 of EC WAPECS consultation are not consistent with the earlier RSPG opinion on trading, opinion 7, which actively promote harmonization. Point 9 of the current WAPECS consultation suggests a more technology and service neutral approach. There are two possibilities: technological neutrality, which results in fragmentation, versus a strategy of spectrum harmonisation and common standardisation, which results in coherent situation (like the case of GSM) benefiting all parties.

Q.8 Are there any other long-term policy goals that the RSPG should consider?

While allowing technology choices can often enhance competition, too much emphasis on technology neutrality could harm competition in both services and terminals. The reason for this is that competition is stimulated by consumers being able to change hardware (TV, mobile phone etc) or service provision independently. Proliferation of incompatible technologies will frustrate this, as services become linked to specific standards and hardware.

In addition, for this reason, together with the need to provide diverse content in broadcasting, we believe RSPG will need to facilitate the creation of favourable spectrum framework for mobile TV.

Q.9 Do you think that these steps form an adequate basis for achievement of the European objectives in this area? Are there any other steps that are required?

See response to Q8

COMMENT ON THE MEMBER STATE SURVEY

Because of the lack of clarity in the WAPECS definition, and also the way the responses have been summarised it is not clear to what extent member states have supported technology and/or service neutrality in the bands listed. A more detailed band-by-band analysis is needed than that presented on page 6/7. It could be that harmonisation is preferred in many of the bands listed.

ENDS