

**RSPG public consultation on Wireless Access Platforms for Electronic  
Communications Services (WAPECS)**

**Response of:**



## **Vodafone response to the RSPG Public consultation on Wireless Access Platforms for Electronic Communications Services (WAPECS)**

### **Introduction**

Vodafone welcomes the opportunity to respond to the RSPG consultation on WAPECS.

### **Summary**

The consultation paper rightly identifies service and technology neutrality as principles to direct future spectrum policy. WAPECS is a welcome step towards this objective, but appears to be contemplated within the traditional 'command and control' allocation framework. Vodafone believes that more fundamental reforms in liberalisation of use and trading of rights must also be contemplated in Europe. These are also matters which the RSPG has also studied in the past but Vodafone shares Commissioner Reding's view, expressed in her speech to the RSPG on 16 June, that 'genuine co-ordinated reform of spectrum management throughout the Union will have positive effects for European Society as a whole'. This task now needs to be undertaken as a matter of some urgency and will require commitment to a clear timetable for action. Our own CEO, Arun Sarin, publicly urged the EU commit to implementation of spectrum liberalisation by 2010 at the UK Presidency Conference on 6 September.

The section on "Next Steps" suggests that the RSC prepare a mandate for CEPT to identify frequency bands where it may be appropriate to remove constraints. Given that WAPECS is already developing and that some Member States are moving quickly towards more fundamental liberalisation, it is not clear to Vodafone why CEPT need be consulted at this stage.

### **Specific questions**

*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?*

Vodafone agrees with the operating definition of WAPECS. We see no need to differentiate between private and public applications.

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

The term "platform" is understood by Vodafone to relate specifically to the radio access network, as it is this which requires frequencies. The paper talks of platforms "using a variety of technologies to seamlessly deliver" applications to users. Interoperability across different RANs is not simple and not generally offered, at least at the initial deployment of a technology. Vodafone does not believe it is relevant or helpful to require "seamless" delivery across technologies if this is presuming interoperability. To do so would exclude almost all RAN platforms from the definition of WAPECS.

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

Vodafone accepts that broadcast is a complex policy area but Vodafone believes strongly that all broadcast spectrum should be designated as WAPECS spectrum in due course. The key is to liberalise in a manner that protects existing use of the spectrum from undue interference and does not distort downstream markets, while providing for flexible use of spectrum. The Regional Radio Conference of 2006, at which the UHF bands will be planned for digital services, is an important case in point. The RSPG should consider whether the RRC06 proposals of Member States would be consistent with a WAPECS policy. Vodafone is not clear that, at present, they would.

*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?*

Services of General Economic Interest (the paper does not define what these might be but Vodafone views them broadly as services provided by the public or local authorities; DG Competition have asked Member States to produce a list of such services by July 2006) should either already have access to frequencies or prospectively require additional frequencies. There should be no requirement on users to change the use to which they put their spectrum. Consequently, it seems unnecessary to define specific rules for Services of General Economic Interest.

*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?*

Standardisation – and the relationship between spectrum allocation policy and standardisation – is a complex issue which, in Vodafone's view, is not yet sufficiently well understood. However, WAPECS does not seem to change the incentives for standardisation markedly and therefore uncertainty on this issue should not delay the pursuit of WAPECS.

Vodafone would support RSPG study of whether and how harmonisation can be undertaken in a liberalised EU spectrum regime, and under what circumstances this would be desirable. Aside from studies commissioned by OFCOM, Vodafone is aware of few attempts to address this important topic.

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

We do not see other challenges specifically in relation to WAPECS, which we consider a modest step towards reform. The Commissioner's speech of 16 June, to which we have already referred, provides a good summary of the broader challenges which the RSPG and others will in our view need to consider.

*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 paper aims for "converged and coherent spectrum regulation, and this would require technological neutrality, service neutrality and coherent authorisation mechanisms, taking into account harmonisation".

Vodafone supports this goal, but believes both that Europe has much to do in order to achieve it and that the commencement of 'genuine, co-ordinated reform' is now overdue. In Vodafone's view this will only be achieved if Member States establish and commit to a clear timetable, similar to that established for digital TV switchover, by which they will have completed full liberalisation (i.e. achieved the aims identified in this paper). Vodafone is arguing that this should be achieved at the December Telecoms Council Meeting.

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

See above. In our view, the work of the RSPG would benefit greatly from a formal commitment by Member States at the Council of Ministers to implement spectrum liberalisation reforms by an agreed target date. The RSPG could then oversee a programme aimed at assisting Member States in achieving that target, sharing best practice and practical experience on transitional issues, and monitoring key milestones.

*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?*

The steps are not adequate in themselves for the reasons outlined above, but represent a modest step in the right direction. WAPECS should be agreed quickly, allowing NRAs and Member States to pursue the more significant and more fundamental gains from further reforms.