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Vienna, 1 September 2005

European Commission
Directorate-General
Information Society and Media
RSPG Secretariat
e-mail: info-rspg@cec.eu.int

Subject: Consultation on WAPECS

Dear Madam/Sir,

Please find below the contribution from Austria to the consultation on WAPECS as requested in your e-mail dated 17 June 2005.

Reference: RSPG05-87–rev

Question

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?

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

Response from Austria

Austria agrees with the operating definition of WAPECS as given in document RSPG05-87-rev.
In our opinion WAPECS should not include spectrum intended only for private applications (eg PMR), since this will be in contradiction to the term “electronic communication services” as defined in the Framework Directive (in particular, it is considered that private applications will not be provided for remuneration).

It is considered that the term “platform” is sufficiently clear.

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

Austria considers that, in general, convergence between e.g. the Fixed and Mobile Services can play a major role in future. However, concerning the Broadcasting Service, convergence is considered to be only feasible in the sense of “convergence between applications” (i.e. convergence between sound, television and e.g. internet downstream, but in any case only for applications for reception by the general public). Regarding convergence in spectrum use, the distinction between the Broadcasting Service and other services (e.g. the Mobile Service) should be retained since planning criteria for the Broadcasting Service are completely different from planning criteria for other services, e.g. the Mobile Service.

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?

To a certain extent, dealing with these issues through the regulation of spectrum might cause some inefficiency in spectrum use. However, it is considered that dealing with these issues by other instruments such as competition law or state aid policy will not sufficiently safeguard the availability of spectrum for the delivery of Services of General Economic Interest (such as public broadcasting or emergency services) in the future.

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?

It is envisaged that the policy goal concerning technological neutrality will impact on the requirement for standardisation aiming at adhere only to defined interference limits. However, the requirements for interoperability and roaming (where necessary) should be respected in any case.

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

The impact of a possible new approach on legal, administrative, executive and (negative) budgetary aspects should be considered.

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 best approach to minimising and harmonising constraints in the use of spectrum is considered to be adoption of a neutral approach to both services and technologies facilitating both flexible use of spectrum and single market cohesion. Issues of potential interference would have to be carefully controlled and monitored.

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

See response to question 6.

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?

In principle, the ideas outlined in point 11 of document RSPG05-87-rev are supported. However, the language used under bullet point 2 could be misunderstood as if the RSPG was a forum superior to RSC, which is not the case according to the EC Spectrum Decision.

I hope the above response from Austria contributes to the further discussion of this issue.

Yours sincerely

For the Federal Minister:

Dr. Alfred Stratil

Signed electronically

Maria SCHULZ

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