

## THE PUBLIC CONSULTATION

Acknowledging the importance of radio spectrum for significant industrial and economic activities and in order to ascertain the views of spectrum users, the RSPG is conducting a public consultation according to article 5 of the radio spectrum policy group decisions, via the RSPG website, on 24 June 2005, with a **closing date for comments of 15 September 2005**. Comments are to be sent to the RSPG Secretariat ([info-rspg@cec.eu.int](mailto:info-rspg@cec.eu.int)) and responses will be published on the same web site<sup>1</sup> except otherwise specified by the respondent.

### Scope

The purpose of the consultation is to seek the views from all interested parties on the spectrum implications of WAPECS. Views are sought on the following 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?

With regard to the suggested operating definition of WAPECS, Groupe Canal+ considers that the WAPECS concept should include spectrum intended for private, commercial (e.g. electronic communications services offered in taxis, etc.), and public applications.

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

No comment.

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

New converged services are currently being provided or experimented by broadcasters and telecoms operators in several European countries, using current spectrum allocations (e.g. in France, Groupe Canal+, together with Nokia, SFR and TowerCast, is experimenting mobile TV using the DVB-H standard. This technology, called Digital Video Broadcasting-Handheld is derived from digital terrestrial television standards and allows for a reception of television contents on mobile with top cost-effectiveness and quality). These services are being provided and/or experimented satisfactorily. Further new services requiring new spectrum allocation, such as High Definition TV, is a priority policy for both the EU and member states. In this context, current spectrum usage by broadcasters needs to be maintained at the very least. Future spectrum requirements for new broadcast services—in particular for the development of DTT services in frontier zones—could be served by maintaining current usage of the VHF band, for example.

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<sup>1</sup> [http://rspg.groups.eu.int/consultations/index\\_en.htm](http://rspg.groups.eu.int/consultations/index_en.htm)

- 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?

Current mechanisms of regulation of spectrum have proved to be efficient in attaining public service objectives, in particular in the broadcasting sector. Given that public service objectives are linked to content (editorial) requirements in the broadcasting sector, the exclusive application of pure competition law and market mechanisms to spectrum attribution in this sector appears unadvisable.

- 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?

The requirement for standardization should not be considered in global policy terms, since standards are generally designed to match specific spectrum uses (although in some specific cases bridges have been built between standards) (e.g. as indicated above, the DVB-H standard is derived from digital terrestrial television standards and allows for a reception of television contents on mobile networks).

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

No comment.

- 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?

No comment.

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

In its present Consultation document on WAPECS, the RSPG suggests that “the long term policy goal should be towards converged and coherent spectrum regulation”. Groupe Canal+ considers that to be successful, spectrum regulation must take into account the specificities of different services. In the broadcast domain, for example, the delivery of television channels to the end user takes up a high level of band pass; this is not true for mobile services. Moreover, broadcast services operate on a point to multipoint basis; mobile services, on the other hand, operate on a point to point basis.

- 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?

No comment.