

Your details

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General questions

1) Do you consider secondary trading of rights to use radio spectrum to be beneficial to consumers, businesses and radio users? why/why not?

EADS ASTRIUM is a satellite manufacturer. The responses provided in this questionnaire relate only to satellite services. In this context, satellite services include telecommunications satellite services, broadcasting satellite services, radio-navigation satellite services and Earth exploration satellite services.

Frequency bands are allocated to different radio services and managed under an international coordination process by the ITU. These frequency bands are further harmonised by CEPT. These procedures create a flexible environment, based on the need to provide protection to existing incumbents and spectrum access to new users such that both types of users in several countries can benefit of the same resource. New allocations by WRC's are done to respond to market needs and evolutions of the technology. It is doubtful that secondary trading alone (on a pan-european basis), in frequency bands allocated on a shared or exclusive basis to satellite services, could replace this mechanism. At national level, trading of such spectrum could trigger serious negative repercussions, as harmonisation of frequency bands will not happen anymore, undermining the ITU and CEPT efforts and damaging the interest of the whole European satellite industry.

2) What types of transfer of rights to use radio spectrum (full, leasing, partial etc.) do you consider can be beneficial to consumers, businesses and radio users? why/why not?

No answer.

3) What rights and associated obligations do you consider should be within the scope of secondary trading of rights to use radio spectrum?

No answer.

4) Would you want to see secondary trading of rights to use radio spectrum introduced in your country or in the countries of interest to you?

a) If yes – why, to what extent? when? frequency bands/services?

b) If no – why not, are there other tools that better suit your needs?

There are no incentives for satellite services to see secondary trading introduced on a pan-european basis as the existing tools (ITU's RR, EU's Regulatory Framework and CEPT's ECC Decisions) provide the necessary responses to the changing environment.

5) What information and electronic communication facilities should be made available to facilitate implementation of secondary trading of rights to use radio spectrum?

No answer.

Scope of trading – change of use, reconfiguration

6) Is the possibility to reconfigure rights important? If yes, what kinds of reconfiguration do you consider would benefit consumers, businesses and users of spectrum? (geography, frequency, time, other)

The reconfiguration of rights already exist under the present regime and takes into account several variables. To replace it by a market-oriented tool like secondary trading would be quite dangerous, as not all variables would be taken into account.

7) Is the possibility to use the spectrum in a flexible way important? If yes, what kinds of flexibility do you consider would benefit consumers, business and users of spectrum (service, technical constraints, other).

It is not clear what flexibility means in this context. For satellite services, harmonisation is paramount: trading shall not be understood as flexibility at the national level. In frequency bands shared between satellites services and terrestrial services, secondary trading between terrestrial services must be done without deterioration of the conditions (present and future) afforded to the satellite services.

8) To what extent is the tenure an important issue in assessing secondary trading?
(indefinite, rolling, fixed, annual, other)

No answer.

9) Should the same rules and regulations apply for the whole of the spectrum?

a) Is there a need for different rules and regulations for different frequency bands?
geographical areas? services? users?

Yes, rules and regulations should be based on frequency bands, radio services and potentially geographical areas. As already stated, secondary trading should not apply to satellite services.

b) If you see a need for different rules and regulations in question 8a above, please give examples.

Competition aspects

10) Should there be specific competition rules in relation to implementing secondary trading of rights to use radio spectrum, or is general competition law enough?

No answer.

The role of the spectrum management authority

11) What do you see as the main responsibilities for a spectrum management authority in regards to secondary trading of rights to use radio spectrum?

The most important priority for European spectrum management authorities is to identify those services, such as satellite services, that are unsuited for trading. Their second priority would be to do so on an harmonised basis across all of Europe.

12) To what extent is spectrum management authority approval of trades a benefit or an impediment to the development of a market for secondary trading of rights to use radio spectrum? Under what circumstances do you consider it would be necessary for a spectrum management authority to refuse a trade?

Secondary trading must be fully controlled by spectrum management authorities in order to limit the emergence of speculative traders and guarantee that secondary trading between terrestrial services does not undermine existing and future satellite services.

13) What specific measures could a spectrum management authority take to handle the issues if secondary trading is introduced? (ex ante approval procedures, ex post notification, competition aspects, limit change of use, interference aspects, other)

Ex-ante approval of trading, strict application of competition rules, change of use in coordinated spectrum bands under conditions and monitoring of interference issues must be ensured.

14) To what extent should the national spectrum management authority actively facilitate secondary trading of rights to use radio spectrum?

No answer.

Community aspects

15) Do you consider that adoption of individual regimes by EU member states will cause problems for consumers, businesses and radio users? If yes, in what ways and to what extent?

Satellite services are based on the availability of harmonised spectrum. Therefore, individual regimes by EU member states must be avoided by all means. For example, passive Earth exploration satellite services rely on a clean spectrum over large areas (pan-european). The presence of another radio service in only one country could jeopardise such service.

16) Do you consider that the EU should take measures to facilitate the implementation of

secondary trading of rights to use radio spectrum? If so, in what areas and to what extent?

Frequency bands allocated to satellite services on an exclusive basis shall not be subject to secondary trading. In case of bands shared with terrestrial services, these terrestrial services could be subject to secondary trading providing this has no impact on the satellite services.

17) To what extent is European harmonisation of frequencies an important issue in regards to secondary trading of rights to use radio spectrum?

Satellite services very much depend on harmonised frequencies and conditions to use these frequencies. Good progress has been recorded with the adoption of the New EU Regulatory Framework and its continuing implementation at national level must be encouraged.

Related experiences and examples of secondary trading

18) What are your experiences with the current spectrum management regimes?

No answer;

19) What are your experiences of secondary trading of rights to use radio spectrum?

None.

20) Please describe specific scenarios in which you consider that the introduction of secondary trading of rights to use radio spectrum would be beneficial

No answer.

21) Any other comments

No.