



ecta RESPONSE

**TO THE PUBLIC CONSULTATION BY THE
RADIO SPECTRUM POLICY GROUP
ON**

**DRAFT RSPG OPINION ON
ASSESSMENT OF DIFFERENT POSSIBLE SCENARIOS FOR THE USE OF THE
FREQUENCY BANDS 1980-2010 MHz AND 2170-2200 MHz BY THE
MOBILE SATELLITE SERVICES BEYOND 2027**

RSPG23-042 FINAL

18 DECEMBER 2023

Introduction

1. **ecta**, the **European competitive telecommunications association**,¹ welcomes the opportunity to comment on the Radio Spectrum Policy Group (hereafter 'RSPG') consultation on its Draft Opinion entitled: "*Assessment of different possible scenarios for the use of the frequency bands 1980-2010 MHz and 2170-2200 MHz by the Mobile Satellite Services beyond 2027*" – RSPG23-042 FINAL (hereafter "Draft Report").
2. **ecta** represents those alternative operators who, relying on the pro-competitive EU legal framework that has created a free market for electronic communications, have helped overcome national monopolies to give EU citizens, businesses and public administrations quality and choice at affordable prices. **ecta** represents at large those operators who are driving the development of an accessible Gigabit society, who represent significant investments in fixed, mobile, and fixed wireless access networks that qualify as Very High Capacity Networks and who demonstrate unique innovation capabilities. **ecta** counts Mobile Network Operators (hereafter 'MNOs'), Fixed Wireless Access operators (hereafter 'FWA operators') as well as Mobile Virtual Network Operators (hereafter 'MVNOs') among its members.

ecta members are actively: (i) investing significant amounts of resources for contributing to EU digital compass connectivity targets through deployment of sustainable electronic communications networks and services (fixed, mobile, FWA, (B2C, B2B, B2B2C, IoT)), and (ii): acting as challengers in an environment characterized by intense 5G deployment.

Key ecta messages

3. **ecta** firstly wishes to thank the RSPG for its Draft Opinion, which provides a general overview of the legal framework of the authorisations for the provision of Mobile Satellite Services (MSS) and Complementary Ground Component (CGC), national authorisations issued, and the enforcement regimes across the EU Member States. In addition, the Draft Opinion provides a welcome analysis of technological developments regarding mobile satellite technologies and proposes several scenarios of usage in the light of the analysis.
4. **ecta** welcomes the RSPG's initiative and agrees with many of the recommendations put forward in light of the analysed scenarios, and, in particular, with:

- a) Scenario choice and structural steps to implement it. The Draft Opinion states that: "*...once the choice of a scenario will be made, still several steps are*

¹ <https://www.ectaportal.com/about-ecta>

needed to implement a common EU scenario. This includes potentially an EU-level selection process. The process for renewal of individual authorisations may start for some Member States during 2025, with an obligation to provide to existing authorised operators the relevant information regarding a potential renewal process. In order to avoid fragmented national authorisation initiatives, it is recommended to European Commission and Member States to reach a sufficient understanding regarding what scenario will be chosen and the respective next procedural steps, including a potential operator selection process at EU level, prior that date. Such visibility will benefit also to Member States having implemented a general authorisation in order to update their framework on a coordinated manner". **ecta fully agrees with the need of choosing a scenario and to take all necessary structural steps to appropriately implement the chosen scenario in a timely manner, including the potential EU-level selection process. ecta however, would like to underline that such kind of processes could be deemed appropriate only for the 2GHz MSS. ecta considers in addition that conditions are necessary, notably an obligation for the awardees to offer proper wholesale access to the other operators. ecta, wishes to reiterate that it is opposed to an EU-level selection process in general and calls on the RSPG to exercise great caution. This kind of 'solutions', would favour only the 3 or 4 biggest players with a massive presence in the EU and with the necessary scale to win the pan-European award proceedings. Specifically, EU-level licensing schemes would unduly disadvantage smaller competitors and new MNO entrants. Contrary to the 3 to 4 biggest players, smaller competitors, latest and new MNO entrants can't leverage existing large customer bases and do not benefit from deep pockets scale economies, the ability to expand offers across several EU Member States or to adapt to local market conditions. Thus EU-level licensing schemes would confer a competitive and comparative advantage to large, established providers. ecta therefore firmly believes that with exception of the specific case of 2G MSS band, EU-level licensing schemes would damage competition, innovation and ultimately be to the detriment of EU consumers and businesses. A potential **pan-European selection process for MSS spectrum in the 2GHz band should therefore remain an exception. In the same vein, ecta fully agrees when the Draft Opinion recommends:** *"Examining the underlying 2 GHz MSS legislation and framework for a competitive outcome in a timely fashion before the current 2 GHz MSS national authorisations expire, and examining the Decision 2007/98/EC to preserve the current technical harmonisation for MSS in the 2 GHz band in the EU".***

- b) A technology neutral approach beyond 2027. **ecta** notes that RSPG, in relation to the technological developments and trends, states: *"is to be*

noted that all presented usages and opportunities are equally based on GSO networks and non-GSO systems. This would require, that the principle of technology neutrality continues to apply". RSPG therefore: *"recommends to maintain a technology neutral approach beyond 2027".* **ecta fully agrees with the need of maintaining a technology neutral approach.**

- c) Q2 2005 as a deadline to reach sufficient common understanding on the scenario choice and the next procedural steps. **ecta believes that setting the second quarter of 2025 as the date to reach sufficient common understanding on the scenario choice, and for defining the next procedural steps, is appropriate.**
 - d) A band segmentation with limited number of options for EU wide common scenario. **ecta** appreciates the analysis performed by the Draft Opinion considering, in the definition of band segmentation, only a limited number of options. As correctly stated by the Draft Opinion, the spectrum available is limited (2x30 MHz).
 - e) Discarding of the continuity scenario "Option 1" for the future uses of this band. The Draft Opinion states that: *"The continuity scenario" (Option 1) may limit competition in MSS service provision, for future innovation or development, e.g. other stakeholders or usages and is therefore not a preferred scenario.* **ecta** agrees with this suggestion and in the following lines proposes some edits to the Draft Opinion in such a way as to ensure that competition on the 2GHz MSS is not limited, and the adequate safeguards are foreseen in the Draft Opinion and in the next steps that will lead to a common understanding to the chosen scenario and to the procedural steps that will accompany the implementation of it.
5. **ecta** as a structural point, with respect to the different scenarios assessed by the RSPG for MSS beyond 2027, respectfully requests that the final text of the opinion specifies the following clearly. If, under certain band segmentation scenarios for options 2 to 4 (namely i- 4 operators with 2 operators with 2 x 10 MHz and 2 operators with 2 x 5 MHz, ii- 2 operators with 2 x 15 MHz, iii- 3 operators with 3 x 10 MHz, iv- 3 operators with 1 operator with 2 x 15 MHz, 1 operator with 2 x 10 MHz and 1 operator with 2 x 5 MHz), is it technically feasible or not to have a compatibility of the different usages (i.e., NTN D2D and IoT/M2M) at the different segmented bands². This is a very important point that the final Opinion should clarify by specifying which precise technologies for NTN D2D and IoT/M2M services

² On page 24 it is specified that NTN D2D implementations could also support IoT NTN. We respectfully request that similar information in a more detailed manner is provided for each of the different technology options under scenarios 2,3 and 4.

would be compatible to be used in parallel under the proposed band segmentation scenarios.

6. Considering the different scenarios assessed by the RSPG, **ecta** believes that scenario 3 (M2M/IoT ecosystem) and scenario 4 (NTN D2D) are the most appropriate options in terms of a cost and benefit analysis for European businesses and citizens. Therefore, it seems quite important to explore to what extent the band segmentation could technically enable both usage scenarios of those 2 options.
7. **For each option that will be chosen under an EU level selection process, in order to ensure a competitive outcome with the concrete benefits for the welfare of consumers and businesses, in line with the provisions of EECC, ecta believes that the selection rules should necessarily foresee that the awardee/s will offer wholesale access to their network that emits in the awarded spectrum and to the related services.**
8. **This must apply even the more in case the Commission opts for awarding part of this spectrum for the use of IRIS² initiative. As a matter of fact, IRIS² should not cannibalize the existing businesses of the mobile and fixed wireless access operators, and it should not result in privileging some mobile and FWA operators over others in terms of complementary satellite connectivity. On the contrary, IRIS² should enable new business opportunities (such as IoT/M2M) for the existing operators.**
9. **Finally, ecta believes that the reserve price for the awarding process for the 2GHz MSS band should be set in a way to incentivize the effective use of spectrum and it should be coherent with the prices paid by the mobile operators for equivalent terrestrial service use spectrum (2GHz FDD). This is a crucial point that the award process should include, because the usage and the target customers are likely to be the same (mobile voice/messaging/data, IoT). ecta therefore calls on RSPG to analyse and formulate proposals when setting the scene for both the choice of scenario and for the potential EU level selection process.**
10. In light of the observations, evidence and reflections provided above, **ecta** kindly invites the RSPG to amend and improve the final text of its Opinion, notably with a view to ensuring outcomes that promote competition rather than curtailing it.

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In case of questions or requests for clarification regarding this contribution, the Radio Spectrum Policy Group is welcome to contact Mr Luc Hindryckx, [ecta](#) Director General, or Ms Pinar Serdengeçti, [ecta](#) Regulation and Competition Affairs Director.