



Telefónica Group response to consultation on draft RSPG Opinion on WRC preparations and WRC-11

General comments

Telefónica would like to thank the Radio Spectrum Policy Group (RSPG) for giving stakeholders the opportunity to comment on their draft revised Opinion on Common Policy Objectives for the 2012 World Radiocommunication Conference (WRC-12). In terms of the general preparatory process, we agree that it is important to identify early in the WRC preparation process, and in consultation with stakeholders, the policy objectives and associated priorities for Europe.

Telefónica has also noted that WRC-12 is referenced directly¹ as well as generally in the European Commission's Radio Spectrum Policy Programme (RSPP) proposal. We believe that the further development of a well coordinated approach to international negotiations is complementary to the longer term spectrum policy being proposed in the RSPP:

- It is especially important as we prepare for the next World Radio Conference in early 2012, where there is already an identified need to include an Agenda Item at the subsequent Conference to review and address any anticipated shortage of spectrum for mobile services.
- Political support from the European Parliament will help to reinforce the need for a well coordinated approach in Europe and we therefore welcome this reference in the RSPP.

As noted in our response to the RSPG on the RSPP², Telefónica supports the RSPG Opinion that the European Union's interest in relevant international spectrum bodies should be driven at the political level. We also noted in our previous response to the RSPG regarding WRC-12³ the Agenda items of direct interest to Telefónica. We continue to believe that all of the Agenda Items previously noted (AI 1.2, 1.4, 1.17, 1.18, 1.19 and 8.2) relate to Community policies, indirectly if not directly, and Telefónica therefore concurs with the proposed revised Opinion of the RSPG that these AIs are of relevance to the Community.

Electronic Communications

In particular, as before, we highlight the importance of Agenda Item 1.17, which has a direct bearing on the use of Digital Dividend spectrum in the 800MHz band to provide electronic communications services other than broadcasting, and which has been the subject of significant European study in recent months and years, including the 2 RSPG

¹ COM(2010)471 final, Recital 21.

² Telefónica Group response to RSPG consultation on "Draft RSPG Opinion on the Radio Spectrum Policy Programme", April 2010.

³ Telefónica Group response to consultation on "Draft RSPG Opinion on WRC preparations and WRC-11", July 2009.

Opinions specifically on this topic⁴. Telefónica continues to consider this to be an important issue. We believe that the switchover to digital broadcasting will lead to a more efficient use of the radio spectrum, but will also result in a more productive use of the Digital Dividend through the use of the 790-862MHz (800MHz) sub-band for the provision of electronic communication services (ECS) other than broadcasting. Telefónica therefore supports wholeheartedly the proposal that Member States should ensure that WRC-12 decisions will not impede the deployment of mobile networks in this frequency band.

With regard to Agenda Item 8.2, again we highlight our belief that the amount of spectrum required by electronic communication services will undoubtedly continue to increase in the foreseeable future. In our response to the previous consultation on the original draft RSPG Opinion on WRC-12, Telefónica stated our support for an early review of the amount of spectrum needed and available at the European level, before deciding whether to seek a specific Agenda Item requesting a change in allocations at the WRC in 2015/16 (WRC-16) or the subsequent Conference. That review has not happened, although we note that it is proposed to be part of the RSPP. Telefónica also notes that the focus of the Commission's proposals (Article 8(1)) are on the range 300MHz to 3GHz, and we are concerned that this is not sufficiently broad to address future requirements. In particular, Telefónica notes that the Commission itself acknowledges the importance of the 3.5GHz bands⁵ in the provision of broadband for all. In addition to increasing efficiency (for example through the switch to digital technologies), we have therefore called in our response to the Commission's RSPP proposal for a review of spectrum allocations between at least 400MHz and 5GHz to ensure that there will be sufficient spectrum allocated to Mobile BroadBand through to at least 2020. Telefónica therefore also fully supports the proposal in the draft revised RSPG Opinion on WRC-12 that Member States should support an Agenda Item for WRC-16 addressing the allocation and/or further harmonisation of spectrum, as appropriate, to meet this need.

Transport Policy

With regard to Agenda Item 1.4, the introduction of new aeronautical mobile (R) service (AM(R)S) systems adjacent to the mobile band at 960MHz, and although we are not involved directly in the provision of aeronautical services, as licensees in the mobile spectrum band immediately below 960MHz in several EU countries Telefónica maintains a keen interest in ensuring that existing and planned services are not adversely impacted by the change of allocations in adjacent bands. We therefore support the proposal in the draft revised RSPG Opinion on WRC-12 that Member States should ensure that WRC-12 takes appropriate actions to preserve access to the spectrum allocated at WRC-07, in particular by not introducing any measures that would unduly constrain the use of the band immediately below 960MHz for the provision of IMT services, as allocated at WRC-07, in addition to the existing GSM and UMTS services. Telefónica notes that work is progressing in that regard in the Radio Spectrum Committee, which has recently discussed a proposal to revise the EU 900/1800MHz Decision⁶ to include LTE and other IMT technologies.

⁴ RSPG Opinion on the Digital Dividend, September 2009, and RSPG Opinion on EU spectrum policy implications of the digital dividend, February 2007.

⁵ For example, in recital 12, which references Decision 2008/411/EC, in recital 22, and in Articles 6(2), 6(5) and 9(3).

⁶ 2009/766/EC.

Flexibility in the international regulatory framework

Finally, regarding the introduction of more flexibility in the international regulatory framework (Agenda Item 1.2) and the introduction of software defined radio and cognitive radio systems (Agenda Item 1.19), we again note that Telefónica was actively involved in the discussions surrounding the development of the revised European regulatory framework, which is due to be fully transposed into national law by May 2011. A greater degree of liberalisation in spectrum use, which the new regulatory package introduces, implies more flexibility in the technical conditions associated to such use, varying from technological to service neutrality. As we have noted previously, Telefónica supports change of use in principle as a way to favour a more efficient use of spectrum, but believes that this must be accompanied by the introduction of a spectrum trading regime to gain the full benefits of a liberalised use of radio spectrum. In addition, we still consider it to be important to ensure that the detailed technical issues and international harmonisation questions surrounding liberalisation are resolved; otherwise, there is a risk that interference problems surpasses potential benefits of greater flexibility. Telefónica therefore supports the proposal that Member States should support proposals for WRC-12 that would provide sufficient flexibility at the EU level in the use of allocations.