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RADIO SPECTRUM POLICY GROUP

Second Report of the RSPG Working Group on the Review of the “Telecoms” Regulatory Framework

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The RSPG WG met on 28 September (Brussels) and 25 October 2016 (Budapest). The meetings have been attended by 14 representatives from Member States and the European Commission. An ad-hoc mailing list is in place with 38 subscribers including the European Commission representatives.

1. “Telecom Framework Review”: the ‘Connectivity’ Package

The European Commission published the 14 September 2016 a set of proposed measures on “Connectivity for a European Gigabit Society”. This includes proposals for new legislations and few communications listed hereafter.

Proposed legislations

- [European Electronic Communications Code](#) (EECC)
- [Regulation](#) on the Body of European Regulators of Electronic Communications (BEREC)
- [Regulation](#) on the promotion of Internet connectivity in local communities and public spaces (WIFI4EU)

Communications

- [5G Action Plan](#)
- [Connectivity for a Competitive Digital Single Market - Towards a European Gigabit Society](#)

This information has been made available to the WG as the studies published the 4 October 2016 which supported the impact assessment¹.

The above proposed legislations have been submitted to Council and European Parliament for negotiation. The WG noted during the last weeks that the current work in the Council is focusing on the promotion of Internet connectivity in local communities and public spaces (WIFI4EU). The European Commission presented at the beginning of October its “Connectivity” Package proposals to European Parliament (ITRE Commission).

2. Initial interactions with the European Commission

At the WG meeting in September (Brussels, 28.09.2016.), the European Commission representative introduced the main objectives of its policy initiatives towards a Gigabit society in 2025. It has been mentioned that the communications are targeting Member States (MS) in order to encourage them to engage in policy, regulatory and financial support for the vision of a European Gigabit society. The previous “Digital

¹ <https://ec.europa.eu/digital-single-market/en/news/support-studies-impact-assessment-telecoms-review>

agenda” targets which have been used by MS to design their own BB plans has been recalled. These are proposed policy objectives and not binding measures.

The European Commission representative introduced the draft Code (EECC) and focused on proposals on spectrum related issues. The main objectives of this proposal intend to modernise the regulation, to simplify it, to reduce administrative burden, to support the implementation of better connectivity in Europe and the deployment of 5G with more coordinated approach, as example, a longer duration (at least 25 years), a peer review. The European Commission representative recalled that the RSPG Opinion on DSM has been taken into consideration when drafting the Code. The WG welcomed these Digital Single Market initiatives. An initial interaction took place during the September meeting.

The WG noted also the proposal to extend the role of BEREC in particular on internal market procedures for radio spectrum peer review.

Further to this initial session, the WG meeting agreed to invite the members of the WG to raise questions on the proposal for EECC. Questions collected by the co rapporteurs, made anonymous and grouped together in order to avoid repetition and duplication at the maximum extent as possible, have been submitted to the European Commission on 18 October 2016. Questions are referring to the following topics: scope and definition, strategic planning and coordination, harmonised competence of NRA, geographical surveys of network deployments, consultation and transparency mechanisms, cross border, peer review process, spectrum management, “use it or lose it”, authorisation of the use of radio spectrum (in particular general authorization/rights of use), duration of rights, renewal of rights, competition, coordinated timing, limitation of the number of rights of use, small-area wireless access points, committees, pooling /sharing of spectrum.

During the October meeting (Budapest, 25.10.2016.), the European Commission provided clarifications on the main aspects of the proposal. This has been appreciated by the WG. Discussions took place in particular on the following main topics:

- Scope of the Code and main objectives
- Strategic planning and coordination
- General authorisations
- Implementing measures (and RSPG role)
- Comitology

Due to the lack of time, this will continue at the next WG meeting.

The meeting agreed to support further spectrum discussions/debates on the draft EECC and to develop a common vision on the strategic issues. The work will start at the next meeting.

The form of cooperation with BEREC and relevant timing has been briefly discussed at the WG meeting in October. It has been agreed to further consider it later in the process when a common vision will emerge.

3. Feedback from the RSPG stakeholder's Workshop

During the last RSPG stakeholder's workshop (Brussels, 03.10.2016.), the RSPG report on "*the results of the public consultation on the Review of the EU Telecommunications Framework*" published in June (see RSPG 16-022) and the main topics which emerged from the initial interactions on draft EECC with the European Commission have been highlighted.

Some industry stakeholders expressed informally some interests to interact with the Working group.

During the last WG meeting, it has been agreed to invite interested stakeholders to present their views on the EECC to the WG when appropriate later in 2017.

4. Next Steps

The next meetings will take place the 21 November 16 (Maisons-Alfort - France). One day meeting is planned during the second week of January.

Proposed course of actions

The RSPG Plenary Meeting #41 is invited:

- to note the progress report
- to support further spectrum discussions/debates on ECCC with the goal to develop common visions on the most sensitive topics
- to note that this WG will not address '5G action plan' and to consider it within another RSPG WG
- to consider that this WG may invite interested stakeholders to present their view on spectrum issue in relation with the proposed EECC, when appropriate, later in 2017 and in consistency with further RSPG stakeholder's workshops.

Emilia Ulelay, Didier Chauveau
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