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RADIO SPECTRUM POLICY GROUP

First Input of the Radio Spectrum Policy Group to the "Connectivity Special Group"

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in response to

COMMISSION RECOMMENDATION (EU) 2020/1307
on a common Union toolbox for reducing the cost of deploying very high capacity networks and ensuring timely and investment-friendly access to 5G radio spectrum, to foster connectivity in support of economic recovery from the COVID-19 crisis in the Union

The COMMISSION RECOMMENDATION (EU) 2020/1307 of 18.9.2020 (hereafter "Connectivity Toolbox Recommendation") provides for the opportunity of the Member States to involve the Radio Spectrum Policy Group (RSPG) in the process of developing a common Union toolbox with regard to the areas identified in sections 4 and 5 of the recommendation.

Accordingly the Member States (via the established Connectivity Special Group and its sub-group on Access to 5G Radio Spectrum (5G-RS)) invited the RSPG to give input to the Connectivity Toolbox process. To facilitate a response with regard to the first step of the Connectivity Toolbox process (identification, sharing and collection of best practices), accompanying questions were asked by the Special Group to the Member States and forwarded to the RSPG.

The RSPG wishes to contribute to the work of the Special Group with regard to the <u>first step of the Connectivity Toolbox process (identification, sharing and collection of best practices)</u> with the following findings:

1. Scheduling of spectrum authorisation procedures with regard to COVID-19

The RSPG Working Group on Peer Review and Member State cooperation on authorizations and awards (RSPG WG on Peer Review) on the basis of European Commission Recommendation 2020/1307 issued via RSPG Secretariat on November 3rd the Questionnaire to the Member States for specific questions of Section 4 of the EC Recommendation. The RSPG WG on Peer Review received 25 contributions from the Member States (Annex 1). In the next section the potential examples of good practices based on the responses received are listed.

With regard to No. 18 of the Connectivity Toolbox Recommendation, the RSPG comments as follows:

10 Member States indicated a postponement of radio spectrum authorisation procedures in case of 5G pioneer bands due to the COVID-19 and 1 Member State indicated its delay for other reasons. The vast majority of the Member States concerned did not submit any specific measures that have been taken in order to keep the delay short, due to the fact, that in most cases the delay is reported as slight in relation to the original dates. The national spectrum roadmaps have been or will be changed accordingly in due course in some MS.

Best practices identified on the basis of responses received:
- To set a very stringent/tight time schedule for the rest of the auction process.
- To temporarily allow the use of spectrum bands dedicated to 5G.
- To consult with stakeholders to minimize the required time to complete the auction process.

2. Peer Review Fora

With regard to No. 19 of the Connectivity Toolbox Recommendation, the RSPG comments as follows:

9 Member States indicated their plans for a Peer Review. The answers are indicative only. Member States shall decide on a case-by-case basis their request for a voluntary Peer Review during the preparation of award procedures.

It has to be noted that several Peer Review workshops had been successfully organised in cooperation between the RSPG and Member States on authorisations and awards since 2016. The list of Peer Reviews organised so far is attached to this document (Annex 2). The pre-existing Peer Review has been established to enable RSPG members to learn from each other's experiences focusing on spectrum harmonised for ECS. The pre-existing Peer Review Platform is based on voluntary principles.

3. Measures to incentivise investments

With regard to No. 20 of the Connectivity Toolbox Recommendation, the RSPG comments as follows:

It became obvious that there is no single solution that fits all. In such, the RSPG WG on Peer Review confirms the main finding of its Report on Efficient Awards and Efficient Use of Spectrum (RSPG16-004 FINAL) which states that *there isn't one single method of awarding spectrum that could be extrapolated across all Member States or all bands without the risk of significantly diminishing overall consumer benefit and economic value. RSPG notes that high quality award procedures based on the ability of MS to adapt to national circumstances and take into account different geographical characteristics, market situations, and different usage scenarios whilst ensuring that spectrum is well-utilized and that future speed, capacity and coverage requirements are met.*

The summary in Annex 3 of the best practices, which were identified by the members of the RSPG, should be read against this background.

4.   Cross-Border Coordination on spectrum assignment for cross-border use

With regard to No. 21 of the Connectivity Toolbox Recommendation, the RSPG comments as follows:

Noting the questionnaire prepared by the Special Group, the RSPG gathered information to respond to questions 23 and 24, based on the following detailed questions asked by the European Commission:

1.   Has your country received any request for cross-border coordination for a vertical application? Describe the case briefly.
2.   Was the request submitted by an operator or a third party (vertical user)?
3.   What frequency band was used?
4.   Was there any specific request for network performance?
5.   What was the authorization regime?

The responses are given in Annex 4 (xls-file).

Based on the responses received, the RSPG concludes:

- on question 23 (Please name industrial ('vertical') use cases with a cross-border dimension, which depend on or benefit from wireless / mobile connectivity and their needs regarding coherent practice for granting rights of spectrum use to operators. These should be in line with Union priorities on 5G deployment (s. footnote 12 of the Connectivity Toolbox Recommendation) and may apply to the sectors of transport or smart manufacturing (industry 4.0).):

Any industrial ('vertical') use case, which uses wireless / mobile technologies, with a cross-border dimension benefits from connectivity. However, connectivity is not dependent on the practice for granting rights, but on the interoperability of equipment, in particular from the existence of European Harmonised Standards.

The RSPG has considered that vertical industry use cases with a cross border dimensions as developed at this stage do not involve directly spectrum sharing as traditionally understood. Nor are there already consolidated best practices for granting rights of use of spectrum to operators and that regard spectrum sharing, which are necessary to ensure service continuity across borders.

The cross-border scenarios for wireless services and applications appear particularly challenging given their multi-country, multi-operator, multi-equipment-vendor and multi-vehicle-OEM (Original Equipment Manufacturer) layout. The continued identification of relevant common frequency ranges, fostering seamless spectrum use, can increase efficiency in spectrum usage and improve network coverage and capacity, thus facilitating the provision of cross-border services and applications. In this sense spectrum can be

shared for the benefit of end users (including verticals) without specific agreements directly involving licensed operators, when applicable. Private networks, both those covering local areas (individual or campus networks) and wide areas (i.e. cities), can also be part of the relevant scenarios, with dedicated or leased or even, depending on technology, unlicensed spectrum.

- on question *24 (In regard to the use cases identified under Question 23, please name best practices, for granting rights of spectrum use to operators with a view to the identification of a dedicated frequency range in conjunction with the appropriate authorisation regime, as well as the conditions attached to such authorisations, which are necessary to ensure service continuity across borders, including but not limited to quality of service and network security[1]):*

The RSPG collates, that in regard to the use cases identified, rights of spectrum use were granted based on the European legal framework (EECC). No obstacles were identified.

In challenging cases with cross-border dimension, a peer review procedure under the umbrella of the Radio Spectrum Policy Group is established.

5. Other Aspects

The RSPG would like to respond in addition to question 26 (*Please add any other aspect which you deem relevant and important.*):

Delays should be avoided in general, but especially in the context of the establishment of the common toolbox within the Union. Any provisions (in national or EU level) – also of a formally voluntary nature – that are linked to additional process steps (for example within the framework of the application or the process to issue a licence or which require further coordination etc.) lead to delays and should be avoided as this would contradict the purpose of Recommendation (EU) 2020/1307 to facilitate quick and investment-friendly access to 5G radio frequencies.

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[1] *These may refer to spectrum authorisation both, directly to 'verticals' (e.g. for operating their private networks) and to (public) operators providing services to 'verticals'.*