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European Commission
RSPG Secretariat

16 January 2004

RE: Radio Spectrum Policy Group – List of Priorities in Work Programme

SES ASTRA is pleased to submit a few comments on the list of priorities identified by RSPG in its work programme released in October 2003. These can be summarised as follows:

Issue (7) – Single Sky Policy

SES ASTRA believes that any policy of spectrum management adopted within the EU should be carefully analysed as regards its implications on the cross-border provision of radiocommunications in Europe. In this context, the adoption of national measures to modify the mechanisms of allocation of radio spectrum to users, whether by new licensing regimes or “RSA” type mechanism, needs to be fully justified in a transparent manner by the identification of new spectrum demand, before existing spectrum use and existing communications services delivered to European citizens are directly or indirectly impacted.

Similarly, it is crucial that no speculation force is driving spectrum management in Europe: the satellite sector urge Member States representatives not to adopt solutions for spectrum trading that are led by mechanisms of complete liberalisation without strong regulatory safeguards and guarantees (e.g. though detailed market assessment) that existing radiocommunications services will not suffer from such solutions.

Issue (10) - Spectrum Trading

SES ASTRA is of the view that adopting the concept of spectrum trading could be a difficult mechanism with respect to pan-european harmonization, irrespective of the way in which this might be introduced or the frequency bands or services to which it might apply. SES ASTRA does not support the adoption of spectrum trading with change of use in general and is concerned that, if it were to be adopted for any selected service or frequency range, it could be argued that this changes the very

nature of how administrations manage the use of the spectrum, since it could lead to a situation where the very definition of services, which are generally adopted through international treaties established within the ITU, comes into question. Spectrum trading could totally disrupt the manner within which satellite operators, who provide national as well as international communications capacity, plan for the introduction of not only replacement capacity but also development and introduction of new technologies.

Issue (13) - Allocation Guidelines

Any European mechanism on allocation should reflect the following principles:

- Technology neutrality cannot ignore technical specifications (some technologies use spectrum differently than others, this is a matter of fact)
- Some spectrum use is recognised at international level and get priority or protection
- Some spectrum users require dedicated use to be recognised, such as satellite
- Change in harmonised bands is prohibited under the New EU Legal Framework on E-communications
- Some frequency bands typically are dedicated to specific usage (e.g. satellite)
- Pan-European systems able to provide cross-border services such as satellite should not be subject to national allocation mechanisms contrary to the Internal Market rules and the country-of-origin principle (e.g. the risks of the planned introduction of "Recognised Spectrum Access" in the UK or the similar scheme under implementation in Ireland)

Remaining at your disposal for any more information on these comments,

Sincerely yours

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