



ecta RESPONSE

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

DRAFT RSPG WORK PROGRAMME FOR 2024 AND BEYOND

RSPG23-045 FINAL

15 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 Work Programme for 2024 and beyond – RSPG23-045 FINAL.
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.
3. **ecta** members are actively: (i) investing significant amounts of resources for contributing to EU 2030 Digital Decade 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.
4. Many **ecta** members have developed detailed programmes, specific investment plans, and have entered into public commitments to achieve carbon neutrality. **ecta** members also contribute actively to the digital transformation of businesses and public administrations, enabling the 'greening' of other sectors of the economy, including through their activities regarding the Internet of Things (IoT).
5. **ecta** cannot emphasize enough the importance of having **spectrum usage rules and assignment procedures that promote joint coverage in rural areas, correct competitive imbalances, and avoid raising costs for operators** – so that the electronic communications networks and services making use of spectrum **remain affordable for users**.
6. **ecta's** responses to the RSPG's 2022 and 2023 consultations (RSPG22-035 (mobile technology evolution); RSPG23-021 (470-694 MHz band); RSPG23-026 (development of 6G))) contain positions on the substance of spectrum policy. The points made in those **ecta** responses remain highly relevant and are not entirely reiterated in this brief response relating to the Work Programme for 2024 and beyond.

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

1. Peer review and Member States cooperation

7. ecta has addressed Peer Reviews in its responses to the consultations on RSPG21-014 (review of the Radio Spectrum Policy Programme) and on RSPG21-044 (the previous work programme).
8. It is regrettable that **ecta is compelled to comment again** that the **Peer Reviews remain a black box for industry stakeholders**, and that the RSPG **refers to Articles 3, 45, 46, and 47 of the EECC in the context of Peer Reviews (page 3, paragraph 1), but omits Article 52 (the article on competition). In addition, it has become apparent that Member States make extremely limited use of Peer Reviews.**
9. Indeed, the latest RSPG Peer Review Report² shows only two Peer Reviews (Estonia and Spain) being held in application of Article 35 EECC during 2022 (with no Report or Opinion requested by these Member States), while 7 notifications of spectrum assignment proceedings were made by Member States, without requesting a Peer Review.
10. The workshop held by the RSPG on 15 December 2022 shed only minimal light on what occurs in Peer Review forums and enabled select industry stakeholders to state their views. ecta was not alone in advocating for more transparency.
11. ecta learned, through this consultation (page 3, paragraphs 2 and 4), that the RSPG also holds so-called 'Award Workshops' (distinct from Peer Reviews) on upcoming and past spectrum awards. **Regrettably, it appears that no information at all is available from the RSPG on these 'Award Workshops'.**
12. **Given this state of affairs, ecta calls on the RSPG to:**
 - a) Add a reference to Article 52 EECC in the section on Peer review and Member State cooperation, emphasizing that Member States should be particularly mindful of the need to promote competition when defining spectrum usage rules and assignment proceedings. This includes using spectrum assignment proceedings to redress historic or more recent spectrum imbalances between operators (typically between early entrants and later entrants), especially in low bands (<1 GHz) and mid-bands (3,4-3,8 GHz), and other bands as applicable.
 - b) Publish the date of initiation of every peer review and Award Workshop (at the same time as invitations are sent out).
 - c) Promptly publish the date of completion of every peer review and Award Workshop, identifying precisely who were the participants (e.g.

² RSPG23-004 FINAL, 15 February 2023: https://radio-spectrum-policy-group.ec.europa.eu/system/files/2023-02/RSPG23-004final-Peer_Review_Forum_Report_2nd_edition.pdf

Ministry/Ministries and/or NRA and/or competition authority from Member State X, European Commission, BEREC, any others).

- d) Continue to publish the issues at stake in each specific peer review (as is done in the 2022 edition of the Report).
- e) Do the same for Award Workshops.
- f) Publish the outcomes:
 - In the first stage, of the peer review or upcoming Award Workshop.
 - In a second stage, on the decision taken by the competent authority for the spectrum usage rules and assignment procedure, with reference to which elements contribute to the achievement of each of the objectives of the EECC (notably including Article 52 EECC), and
 - Finally, on the outcome of the spectrum usage rules and assignment procedure held.
- g) Add substance to the peer review reports, and to annual reports according to Article 35(8) EECC. As these stand to-date, they contain less than 2 pages of material text per peer review.

13. More broadly, [ecta](#) stresses that, **at every meeting where stakeholders are invited to participate, not only the incumbent operator view should be represented, but also the challenger view**. There are sufficient relevant challenger operators with positions of interest in many EU Member States, for instance our multi-country members Iliad (active in France, Italy and Poland), DIGI (active in Romania, Spain, Portugal, Italy and Belgium), and EOLO (active in Fixed Wireless Access in Italy and Croatia). In addition, [ecta](#) represents major alternative operators relying on radio spectrum in single EU Member States, e.g. Bouygues Telecom (France), Fastweb (Italy), and T-2 (Slovenia), which also have clear views on spectrum assignment procedures and related issues. Our member 1&1 (Germany) faces a particularly severe spectrum deficit compared to the 3 established MNOs and is highly relevant where it comes to OpenRAN. On 8 December 2023, 1&1 was the first European operator to launch 5G mobile services based on a new OpenRAN network built from scratch, and not as an add-on to a legacy network.
14. [ecta](#) remains at the RSPG's disposal to help identify the most suitable meeting participants among its members on specific policy topics. This is also valid where it comes to discussing private 5G networks and Internet of Things.

2. WRC

15. ecta welcomes the scope of the RSPG's planned activities and deliverables, notably the preparation of an Interim RSPG Opinion on WRC-27 by June 2025, a Draft Final Opinion by June 2026 and a Final Opinion by October 2026.
16. It would be worthwhile for the RSPG to **add in the Work Programme at which stages it intends to consult stakeholders** (both 2025 and 2026, or only in 2026?), and to foresee ample time for respondents to the relevant public consultation(s).

3. "Good offices" to assist in bilateral negotiations between Member States

17. ecta welcomes the RSPG's continuing work in providing the "Good Offices" function (both for cases within the EU and in support of the European Commission with regard to negotiations with third countries). In this context, ecta notes with satisfaction that the RSPG included the 3,6 GHz band flagged by ecta in its response to the previous RSPG work programme consultation.
18. ecta wishes to emphasise that it is of particular importance that Member States do not engage in 'races', for instance to be first or early with making available spectrum for 6G, in an uncoordinated manner. This has happened notably with spectrum for 5G, and with private 5G spectrum assignments (in various bands, differing between Member States), leading to situations in which one Member State may ignore the services operating in relevant bands in a neighbouring Member State, to be able to crown itself as a 'winner of the race' with early spectrum assignments. This type of behaviour of Member States should be discouraged in the first instance and addressed by the RSPG "Good Offices" if unfortunate decisions are nevertheless taken.

4. Long-term vision for the upper 6 GHz band (2030 and beyond)

19. ecta understands that work on the upper 6 GHz band will in any case be needed in Europe, even after the WRC-23 reaches conclusions, and given that the review of the EU Radio Spectrum Policy Programme is subject to substantial delay. ecta therefore looks forward to the RSPG playing an active and constructive role.
20. A key point of importance from the ecta perspective is for the RSPG to **be very careful in avoiding that its deliverables contribute to the potential creation of new market distortions between providers of electronic communications networks**. Evidently, ecta also wishes to express that there is a need to **avert a situation in which Member States pursue maximisation of revenues for State budgets through relevant spectrum assignment proceedings**.

21. **ecta** looks forward to the Draft RSPG Opinion for public consultation, scheduled for February 2025, and adoption of the Final Opinion in June 2025.

5. 6G strategic vision

22. **ecta** welcomes the fact that the RSPG intends to take a proactive position to support the European Commission to set an attractive policy framework for initial launch, development and deployment of 6G in the EU, including focusing on early recognition of spectrum needs.
23. **ecta has important remarks on this topic. These were provided in [ecta's response to RSPG23-026 FINAL, on 1 August 2023](#).** They are not repeated in full in this response. They remain relevant, and **ecta** hopes and trusts that they will be given thorough consideration, especially given that the RSPG has not so far finalised its Opinion on the subject. **ecta's** response covered the following key themes:
- a) Technology and service neutrality: There should be no restrictions on operators deploying 6G in the existing harmonized bands.
 - b) Need to avoid inflated expectations for 6G: Europe needs to avoid another hype cycle about 'the next G', leading to artificially inflated spectrum fees, where spectrum's exclusive use is assigned through auctions , and political pressure on early spectrum assignments and roll-out which is disconnected from actual user demand and operators' ability to invest in infrastructure and monetise services.
 - c) Spectrum assignment policies and procedures of many EU Member States must be substantially improved, to ensure sustainable investments from operators and the associated socio-economic welfare maximization: **ecta** would welcome specific harmonization of the Member States's spectrum assignment proceedings, with a focus on limiting auction reserve prices, and aiming explicitly at avoiding the repetition of extremely high auction prices, and deliberately unbalanced and anomalous outcomes (prevalent in the 700 MHz and 3,5 GHz bands due to auction design).
 - d) Network densification vs. economic and environmental sustainability: Pushing mobile and FWA network operators towards network densification and towards using mmWave frequency bands (e.g., 26 GHz, 42 GHz and even above) for 6G is not a substitute for making available additional spectrum³

³ ecta, as highlighted in its response to the RSPG public consultation on the Draft RSPG Opinion on "Strategy on the Future Use of the Frequency Band 470-694 MHz Beyond 2030 in the EU", believes that this kind of approach, if adopted, would lead to economically unsustainable network investments as well as a negative environmental impact. On the contrary, enabling the use of additional low-mid band spectrum (e.g. sub-700 MHz band, 2.3 GHz, 3.8 GHz-4.2 GHz) would allow the usage of less antennas, enable less land occupation, create less visual pollution, and enable lower EMF emissions as well as ensure a more sustainable business model for operators, ultimately to the benefit of end-users.

- e) 26 GHz band needs to be made available in its entirety, and not just the upper 1 GHz large blocks: **ecta** disagrees that large blocks of 26 GHz spectrum should be reserved for local/vertical use.
 - f) Non-terrestrial networks: **ecta** considers that the RSPG is placing too much reliance on satellite networks, and that it is by far preferable, and in line with the EU's 2030 Digital Targets, for the Member States to adopt spectrum policies that enable mobile network operators to provide mobile VHCN connectivity in rural areas jointly, as well as fixed wireless network operators, to serve rural areas while delivering the gigabit connectivity with low latencies leveraging on edge computing capabilities that only terrestrial networks can offer.
 - g) Additional EU harmonized spectrum for local/vertical use cases: **ecta** challenges the notion, prevalent throughout the RSPG's Draft Opinion (and also present in this consultation document), that additional EU harmonized and locally licenced spectrum for local/vertical use cases would be needed, for 6G, or even before 6G is deployed.
 - h) Electromagnetic Field Emissions. This theme should be added.
24. All that being stated, **consideration can and should be given to defining additional primary and pioneer bands for 6G in the coming couple of years, in a manner analogous to what was done for 5G, in order to drive the equipment industry's economies of scale, with an assumption of deployment from 2030 onward.**
25. **ecta** looks forward to the RSPG Opinion containing its strategic vision for 6G, taking on board the contributions provided by **ecta** and by other stakeholders at the consultation stage. **As regards future RSPG policy and regulatory orientations with regard to 6G, it is essential that stakeholders are given the fullest opportunity to express their views, at every step going forward.** As and when RSPG consultations are launched, sufficient time needs to be made available to stakeholders for profound reflection, and in the case of trade associations such as **ecta**, to exchange with their members, in order to be able to provide substantive responses.

6. Assessment of future usage of the frequency band 470-694 MHz within the EU

26. **ecta** responded to RSPG consultation on this topic (RSPG23-021 FINAL) on 31 July 2023. The RSPG issued its final Opinion on 25 October 2023⁴. **ecta** is disappointed by the contents of the final Opinion, and its reflection in the draft Work Programme for 2024 and beyond. **Simply put, the RSPG seems to continue to be overly**

⁴ RSPG23-035 FINAL: https://radio-spectrum-policy-group.ec.europa.eu/system/files/2023-10/RSPG23-035final-RSPG_Opinion_on_UHF_beyond_2030.pdf

prudent and mostly bound by protecting the status quo or allowing only for minor evolutions. It fails to display any real ambition on the future use of the 470-694 MHz band for wireless/mobile communications (neither by 2030 nor beyond 2030). The consequence is that the RSPG is not showing material interest in resolving severe spectrum imbalances, resulting from incumbent status/early entry, versus later entrants, irrespective of their perspectives, prospects, and market shares. Later entrants have objective needs for additional low band spectrum, in order to achieve a coverage layer, improve indoor coverage, and to have the capacity layer needed to adequately serve their growing customer base.

27. [ecta](#) wishes to make it unequivocally clear to the RSPG, and to its constituent members, that late entrant MNOs facing a structural deficit of <1 GHz spectrum consider that making the 600 MHz band available for wireless/mobile communications is essential to promoting competition (Article 3(2) (b) EECC), and to promote the interests of EU citizens (Article 3(2) (d) EECC). For the avoidance of doubt, [ecta](#) is also strongly convinced that determined action on the 600 MHz band and notably finding assignment solutions for usage by late entrant MNOs is readily in line with the other objectives contained in Article 3(2) (a) and (c) of the EECC. As highlighted in its response to the RSPG public consultation on the Draft RSPG opinion on the Strategy on the Future Use of the Frequency Band 470-694 MHz Beyond 2030 in the EU”, [ecta](#) believes that the increased availability of sub-1 GHz spectrum would significantly boost the capacity layer of MNOs’ networks. This would enable for MNOs to use less BTSs to provide their services to customers and therefore would represent a relevant step to reach sustainable business objectives. This all in all would benefit the environment and therefore end customers (less energy consumption, less land occupation, less EMF emissions, reduced visual pollution etc).
28. To be very precise, [ecta](#) reiterates the following from its response to RSPG-23-021 FINAL. **[ecta](#) believes that the choice of the full FDD band plan in the sub-700 MHz band, such as the 600 MHz FDD band plan (UL 663 – 698 MHz, DL 617-652 MHz), appears to be an appropriate solution for the EU in line with the Europe’s 2030 Digital Connectivity Targets. It would fit into to the clear market trend of a steady reduction of DTT consumption and the growing demand from operators (including those with no or limited <1 GHz spectrum) to be able to launch mobile broadband services in the sub-700 MHz band in Europe. Finally, it would ensure in a timely manner, the required certainty to the European market for the period beyond 2030.** [ecta](#) acknowledges that the gradual introduction of the 600 MHz FDD band plan in the EU would require efforts from EU Member States, in partnership with their neighbours, to explore the possibilities of efficient introduction of this solution under Article 4 of the UHF Decision or under a future European regulatory framework which may be updated to reflect the decisions of WRC-23. [ecta](#) to such purpose suggests starting with the identification of those Member States which assigned channels 39-42 and which at

the same time foresee limited DTT consumption, by forming “pioneer Member State clusters” for the use of sub-700 MHz (both downlink and uplink) for mobile uses. Naturally in those Member States, the flexibility should be accompanied by appropriate safeguards allowing a future European harmonization. Such safeguards should include: i) granting licenses for short term periods in order to allow easy refarming towards EU harmonization, and, ii) foreseeing sufficiently large separation distances taking into account the propagation characteristics of the low bands to avoid interferences.

29. All that being stated, **ecta declares its strong interest on the planned scope of RSPG activity going forward relating to the 470-494 MHz band, and notably the mention of continued gathering of information from industry stakeholders, which is indeed essential. ecta looks forward to participating in the work leading up to the RSPG Report or Opinion on the future usage of sub-700 MHz band in the EU (questionnaire/workshop, draft Report or Opinion for public consultation in June 2025), and Final Report or Opinion in October 2025.**

7. Strategic Spectrum Matters

30. **ecta** notes the statements made by the RSPG in this section of the consultation document, notably the RSPG’s reference (*page 12, paragraph 8*) to ‘*the reflection on a new regulatory policy for electronic communications*’. Whilst there is indeed debate on EU electronic communications policy (including radio spectrum), and the review of the Radio Spectrum Policy Programme is well overdue, and announcements have been made, none of these are concrete at this stage with regard to radio spectrum (or, as a matter of fact, for other topics). **ecta** urges the RSPG to carry out its duties with caution, providing fact-based contributions where appropriate, and to avoid entering into speculative considerations. It is essential that the RSPG consults all interested parties fully, before potentially making contributions that could result in orienting future EU policy and regulation in a particular direction.
31. In light of this RSPG workstream, **ecta** invites the RSPG to examine the paper **ecta** provided in response to the European Commission’s exploratory consultation⁵, which addresses radio spectrum policy in particular at paragraph 26, iii) (pages 9 and 10), and paragraph 28 (page 10). Key extracts are as shown below, but we encourage the RSPG to study the **ecta** paper in full:
- a) **ecta** considers that whereas spectrum is and will remain a scarce resource (there is no technological revolution to solve this scarcity), appropriate regulation, both by principles and provisions provided by the EECC and by

⁵ ecta – 12 May 2023: https://www.ectaportal.com/images/members-area/Consultations/ecta_response_to_EC_exploratory_consultation.pdf

secondary regulation performed by other competent institutions and applied by the NRAs, will remain key to ensure a **fair distribution among the different parties and the effective use of the spectrum when it is assigned**. This is all the more important to extract the full potential of the spectrum and allow all sectors of the EU economy to unleash the innovation potential of the technologies that use it. [ecta](#), in light of these considerations, **encourages all measures, including more structural ones by way of EU law, to ensure a harmonized approach at the European level for the national spectrum assignment procedures, with a view to foster wide mobile and fixed wireless coverage and innovation with the widest investments** in 5G and 6G by the bidders (such as the French 5G auction design that is a best practice), **as opposed to favouring the highest revenues for Member States** (which has many times been the case until today).

- b) In relation to the question on the possible added value, risk or cost of implementing a common **EU-level licensing/authorization scheme for spectrum use**, [ecta](#) calls on the Commission 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 envisaged by the questionnaire. Specifically, EU-level licensing schemes would unduly disadvantage smaller competitors and new MNO and FWA entrants. Contrary to the 3 to 4 biggest players, smaller competitors, latest and new MNO and FWA 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 nor 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 EU-level licensing schemes **would damage competition, innovation and ultimately be to the detriment of EU consumers and businesses**.
- c) [ecta](#) is convinced that a stronger EU approach is a sine qua non condition to harmonize the **EMF limits**. As of today, there is a discrimination between operators in the Member States that correctly adopted the emission limits recommended by the Commission, and those active in Member States imposing very strict values (i.e., Italy, Belgium, Bulgaria) which translates into a **detrimental effect on network deployment and on competition**. Therefore, in order to promote the Single Market, [ecta](#) calls on the European institutions to consider a revision of the legislative instrument (by providing for a regulation instead of a recommendation) to end the distortion of the internal market and ensure that operators are not discriminated against.

32. More generally, and by way of conclusion relating to strategic spectrum matters, [ecta](#) wishes to emphasize the following:

- a) Mobile network operators and fixed-wireless access operators should always be entitled to benefit from **technology- and service neutrality**. The future **phasing out of legacy technologies, including 3G, and especially 2G operating below 1 GHz, should be handled with utmost care, to avoid distorting competition**. Any shut-down should guarantee continuity of services, including moving services to 4G and 5G without delay to avoid disruptions to the market and to end-user services.
- b) All mobile network operators and fixed-wireless access operators deserve the opportunity to benefit from **fair access to sub-1 GHz and sub-3 GHz spectrum** (crucial for coverage and indoor services). **Re-awards and reallocation should therefore be seen as opportunities to reform and re-attribute spectrum below 1 GHz in a manner which promotes competition and rebalances sub-1 GHz spectrum between mobile network operators and fixed-wireless access operators**. Such rebalancing and prolongation of spectrum licences, could, for instance, be envisaged in exchange for coverage commitments. This has already occurred by means of the so-called ‘New Deal’ on spectrum in France, involving all 4 mobile network operators – reinforcing both coverage and competition (and promoting pro-competitive sharing arrangements for white areas). **Particular attention is needed to avoid that prolongation of spectrum licences in exchange for coverage commitments, on the contrary, would entrench the unequal spectrum holdings of some mobile network operators to the detriment of others**. This is a real and present danger in Germany, where BNetzA has recently consulted on a scenario which involves the prolongation of spectrum licences for the three leading mobile network operators, to the direct detriment of the fourth mobile network operator (ecta member 1&1) which has so far never had the opportunity to be granted sub-1 GHz spectrum. Scenarios in which a late entrant mobile network operator never has a fair opportunity to acquire a balanced and competitive spectrum portfolio (incl. sub-1 GHz spectrum) must not be allowed to play out.

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For further information, clarification or discussion, please contact Mr. Luc Hindryckx, [ecta](#) Director General.