



TO: info-rspg@ec.europa.eu

RE: Radio Spectrum Policy Group 2010 Work Programme

SAP REG (10)25
ESOA MRF WG (10)105

18 January 2010

The Satellite Action Plan Regulatory Group (SAP REG) and the European Satellite Operator's Association (ESOA), representing the satellite industry (a major user of radio spectrum within the Community), are pleased to submit their views on the work programme of the RSPG.

We would like to congratulate RSPG on the technical and strategic excellence demonstrated in the past and the recognition this generated under the new Electronic Communications Framework (ECR) in the form of new competencies and a central role in providing expertise and guidance on spectrum policy matters to all EU institutions (not only the EU Commission, but also the Council or the Parliament) upon the request of these institutions.

As an industry stakeholder, we wish RSPG success in this new endeavour and we welcome the transparency and the fact that a consultation is organised, inviting external views. In this respect SAP REG and ESOA are seeking clarification as to the procedures to be put in place, and no doubt necessary, to ensure that there is consistency, co-ordination and synergy between activities and mandates of the RSPG and other relevant European or multinational groups having equally been charged with spectrum matters. We believe that this is best achieved through taking into account the technical know-how on radio frequency matters build up within the CEPT, and the use of established coordination mechanisms between countries (whether within the EU or between the EU and the rest of the world) as established and operational through ITU.

We have selected items on the proposed list which are critical for the satellite sector and comments on each of these can be found in the attachment to this letter.

SAP REG, ESOA and its members are reaching out to the RSPG and are looking forward to a continued, fruitful dialogue and co-operation.

Yours sincerely

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Satellite Industry comments on selected RSPG 2010 Work Programme Items

Introduction

In the context of the new EU prerogatives on radio spectrum policies, satellite operators consider the following items of high priority for the sector:

- EU and NRAs to support harmonised spectrum across the EU for satellite services and the need to recognize, respect and defend ITU frequency allocations;
- EU and NRAs to refrain from changes to spectrum allocation / assignment practices which cause harmful interference to satellite services, degrade their technical quality of service or which in effect remove ITU allocated satellite spectrum altogether.

In this regard SAP REG and ESOA would like to use this opportunity to request further clarification of the EU role and objectives as to the means by which national access procedures can be aligned and streamlined and administrative burdens minimised. Satellite operators continue to strongly support efforts which won't place additional layers of administrative control to existing regulation.

Multiannual Policy Programme

“developing an opinion contributing to the drafting of the first multiannual EU Policy Programme prepared by the EC, taking into account the explicit role given by the new regulatory framework to the RSPG. The RSPG would have a discussion on priorities given that, once the new framework is in place, a number of issues will become prominent, such as technology neutrality, service neutrality, flexible spectrum management, promotion of spectrum trading and the development of common policy objectives with a view to ensure effective co-ordination of the EU interests in international organisations.”

SAP REG and ESOA are pleased to see that RSPG is fully involved in the preparation of the EU multiannual radio spectrum policy programme, in line with the new ECR (Article 8.3 of the Framework Directive). It is understood that this programme is not supposed to get into any regulatory detail but to *“set out the policy orientations & objectives for the strategic planning & harmonisation of the use of radio spectrum.”* The EU Commission is to take the utmost account of the RSPG opinion when setting up the programme, which means that this opinion is to be adopted early enough, and anyway before any legislative proposal for the definition of the programme is released.

In accordance with the above, we expect that the EU continues to rely on the RSPG (and other spectrum bodies) to implement the principles

underpinning the overall programme, as seems to be recognised by the acts establishing the RSPG.¹

SAP REG and ESOA note that the RSPG is entitled to develop and adopt opinions at its own initiative². With regards to the drafting of an opinion on the EU multi-annual policy programme, we request the RSPG to release final views only after EU institutions and officials have had the opportunity to hear the industry's view at the Spectrum Summit in March 2010. SAP REG and ESOA consider it critical that the EU has an opportunity to listen to all radiocommunications players carefully³, and indiscriminately, particularly in relation to the practical implementation of the neutrality principles, the promotion of flexibility in spectrum management and the definition of European priorities at international level. These are highly relevant and controversial subjects with potentially devastating consequences for the entire satellite industry sector if the protection of spectrum allocated to it by the ITU were to be compromised without giving due account to adequately protection against harmful interference or degrading of the quality of service.

In this context, SAP REG and ESOA would like to request that:

- When adopting and promoting positions, the RSPG takes account of considerations that are not only of a technical or economic nature, but also reflect political, cultural, social or strategic aspects.⁴ Space is definitely a strategic area, as now recognised in the Lisbon Treaty and emphasised during the hearings of candidate Commissioners.
- RSPG takes due account of the potentially conflicting needs of spectrum users, ensuring a fair, non-discriminatory and proportionate approach. This is what 'Technology Neutrality' ought to really mean.

Harmonised EU Participation in International Organisations

"expanding and developing the policy issues related to the WRC agenda items identified in the 2009 opinion, providing guidance on strategic objectives during the next preparation phases. The work could be also extended to other international aspects (such as relation with CEPT, etc.) and on exploring the possibility to create synergies with other regions of the world in order to try to benefit from potentially world-wide economies of scale."

¹ Commission Decision 2002/622/EC, as amended by Decision 2009/10029/EC, "Article 2 – Tasks: The Group shall assist and advise the Commission on radio spectrum policy issues, on coordination of policy approaches, on the preparation of multiannual radio spectrum policy programmes and, where appropriate, on harmonised conditions with regard to the availability and efficient use of radio spectrum necessary for the establishment and functioning of the internal market. Furthermore, the Group shall assist the Commission in proposing common policy objectives to the European Parliament and the Council, when necessary for ensuring the effective coordination of the interest of the European Union in international organisations competent in radio spectrum matters".

² Id., Article 4.1

³ In line with Article 5 of the Decision 2002/622/EC, as amended by Decision 2009/10029/EC.

⁴ Id., Recital 4

As a general remark, SAP REG and ESOA note that in promoting the introduction of more flexibility in allocating frequency bands in relation to ITU driven reforms, the protection of existing services, including those operated in countries outside of the EU, is critical. The satellite sector considers changes in the flexibility of spectrum allocation as of a sound nature only if they are based on the generally agreed outcome of appropriate compatibility studies aimed at ensuring the coexistence of different services/applications in the same band without harmful interference.

More specifically, space policy is considered one of the main Community policies of relevance for WRC-12, as stated in the draft RSPG Opinion on the main themes of WRC-12 of interest for EU-wide support.⁵ SAP REG and ESOA consider that the EU should support and promote space as a highly strategic policy area and develop a strong, positive positioning on the international scene.

Other Issues

“The Group considers that its advice may be required in areas that could be specified upon necessity during the course of the year.”

SAP REG and ESOA believe that it is adamant to ensure a harmonised implementation of the new ECR amongst the 27 Member States. RSPG may have an important role to play in advising the EU Commission or the Council as regards the provision of the ECR that are spectrum related.

SAP REG and ESOA also agree that the 2009 Opinion on Wireless Broadband needs to be updated and revised to better reflect the full picture of evolving realities in the market.

⁵ Cf. section 2, p.1 : Relevant Community Policies for WRC-12