RADIO SPECTRUM POLICY GROUP

Request for Opinion on
Licensed Shared Access (LSA)
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REQUEST FOR OPINION ON LICENSED SHARED ACCESS (LSA)

1. INTRODUCTION

In its 2011 Report on collective use of spectrum and other sharing approaches (RSPG11-392) the RSPG recommended inter alia an in-depth assessment of the concept of "Licensed Shared Access" (LSA) so as to explore the viability of this approach.

The RSPG concludes that: "...any future work programme which explores the wider issue of Collective Use of Spectrum should also include a more in-depth assessment of the concept of LSA. In particular, further work may foster greater understanding as to how viable this approach to authorisation might be, in practice, amongst EU Member States. The RSPG also recommends that the EC should consider the implementation of the LSA concept in order to provide access to new spectrum in the light of the future RSPP Decision. A first step could be a consultation of the MS. Thus complete information on the license regimes of the MS, in relation to sharing, can be provided in order to support the further RSPG work on European level."

In the 2012 work programme, the RSPG has announced its intention to investigate ways to increase the opportunities for shared use of spectrum. It has identified LSA as an area to further explore and recommended in particular to:

- Collect information on current practices of LSA in the Member States;
- Develop a more detailed concept of licensed shared access (LSA) and make recommendation on how this approach could be taken forward by Member States;
- Consider how action at European level may help to promote the development of innovative sharing techniques and the introduction of the LSA concept.

On 3 September 2012 the European Commission, in line with the Radio Spectrum Policy Programme (RSPP), has published a Communication proposing measures to give incentives for and legal certainty to spectrum sharing from an internal market perspective and setting out the next steps towards a regulatory environment for shared spectrum use that fosters investment in innovation technologies in Europe. In this Communication, which covers the shared use of spectrum overall, the Commission supports the specific concept of LSA as one form of sharing and encourages further development in light of incentives and legal certainty.

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2. **BACKGROUND AND SCOPE**

This Request for Opinion aims at developing a concept for LSA with a view of facilitating its implementation and fully leveraging its potential.

The RSPG defines the LSA concept as follows:

> “An individual licensed regime of a limited number of licensees in a frequency band, already allocated to one or more incumbent users, for which the additional users are allowed to use the spectrum (or part of the spectrum) in accordance with sharing rules included in the rights of use of spectrum granted to the licensees, thereby allowing all the licensees to provide a certain level of QoS.”

The main feature of the LSA concept is that it provides a limited number of licensees with guaranteed, but shared, spectrum usage rights that can allow for achieving a comparable quality of transmission as in the case of exclusive individual usage rights. LSA is based on the assumption that, in specific cases, it is possible to define sharing conditions that are sufficiently attractive and predictable to provide incentives for sharing users to invest in equipment and networks allowing for a joint occupancy of a spectrum space. Sharing conditions hence form part of the LSA usage rights to be issued by national authorities in accordance with their national regulation and EU law.

LSA potentially promises to offer the following advantages:

- a more efficient use of spectrum achieved by sharing access to spectrum currently used in an exclusive manner by an incumbent user, hence opening up additional spectrum resources, including at a European scale;

- an alternative to the rigid segmentation of bands into exclusively licensed bands which would require costly and time-consuming refarming when spectrum resources need to be found for a growing number of users, while lowering the spectrum access hurdle for prospective sharing users;

- ensuring non-disruptive availability of spectrum assigned to the incumbent user, while allowing access to the same spectrum by other identified licensed users, with the potential of a better valuation of spectrum assets for the incumbent right holder when opening up spectrum for sharing;

- fostering the development and implementation of innovative technologies which enable sharing conditions meeting the interest of all uses in a band, if LSA as a sharing option is made operational, acceptable and attractive to sharing parties; and

- the availability of a flexible and potentially easy to implement form of spectrum management, if adequately supported regulatory-wise.

LSA typically involves three main parties: the incumbent user of spectrum, the prospective sharing party(s) (potential candidate licensee(s)) and the regulator. For LSA to become an
operational reality, a certain number of key conceptual issues need to be investigated, so that LSA meets the expectations and requirements of all three parties affected:

- How to identify and evaluate sharing opportunities to implement the LSA approach?
- How to best provide legal certainty about sharing conditions that are mutually beneficial for both incumbent(s) and new licensee(s)? Relevant aspects are inter alia: how to transform a sharing agreement between interested parties into formal usage rights and how to document such shared usage rights, along-side with modalities for enforcement, liability, rules for tradability of shared usage rights and competition aspects.
- What are the market-based incentives for incumbent users to adopt LSA and for potential licensees to invest in innovative sharing technologies and to roll-out a network in a band with sharing rules?
- What recommendations can be made to regulators and policy makers in order to promote the LSA concept and scheme in this respect?
- What common basis with respect of LSA implementation modalities is needed at EU level to optimally leverage the LSA potential in terms of a common footprint of additionally available spectrum and to achieve economies of scale?

3. **REQUEST FOR OPINION**

Based on the 2012 RSPG work programme the Commission therefore requests the RSPG to develop an **Opinion on Licensed Shared Access (LSA)** in the EU.

The opinion should:

1. Identify the state of implementation and best practices as well as future plans for LSA implementations in Members States and confirm or adapt, if necessary, the definition of LSA.

2. Elaborate the main features of an operational Licensed Shared Access (LSA) concept and as a second step make recommendations how it could be taken forward to encourage more shared use of spectrum, by inter alia addressing the following points:
   - The roles of the different parties involved (incumbent user, potential candidate licensee(s), regulators) in regard to the proposal, the definition and the assessment of sharing opportunities under an LSA approach.
   - The economic incentives and the legal certainty needed to encourage spectrum users to turn to spectrum on an LSA basis.
- The format of licensing and the essential elements needed to define, issue, enforce and document individual rights of use in the case of LSA.

- The internal market aspects and the potential of LSA in this respect, as well as implications of implementing LSA and recommendations.

3. Recommendations for the promotion of the LSA concept at EU level and its possible implementation in the EU Member States, where appropriate.

4. ORGANISATIONAL ASPECTS

Deliverable: RSPG Opinion

Timing: Draft ready for public consultation in June 2013
Adoption in November 2013

Public Consultation: Yes