Wireless Access Platforms for Electronic Communications Services (WAPECS)


The Group is invited:

- to take note of this progress report from the “rapporteur”;
- to adopt the draft Opinion;
- to propose a recommendation to the EC to host a workshop on WAPECS after the opinion is finalised
- to consider revising the WAPECS title.

Since the RSPG #7 meeting on 16 June 2005 the WAPECS drafting group has held three meetings.

1. OUTCOME FROM 2nd MEETING.

The WAPECS drafting group held its second meeting on the 29-30 August 2005, in Paris, during the consultation period. There was general consensus that the RSPG needs to focus on a high-level strategy and leave it to RSCOM or CEPT to develop the fine detail for applying the strategy. Therefore the Opinion being developed by the RSPG should take a top-down approach. The objective should be to introduce a flexible framework and move the regulatory process away from trying to predict the future. The aim should be to give industry more responsibility for the way it uses spectrum while ensuring sufficient certainty to encourage investment and control interference.

After extensive discussion, a compromise definition for WAPECS was agreed, as set out in the draft Opinion presented to RSPG #8.

The meeting also considered the long-term policy goals for WAPECS. It was agreed that technology neutrality and service neutrality were key, and definitions of these goals were agreed. It was also agreed that further text on “Coherent Authorisation” and “Innovation” would be included in the draft Opinion.

The issue of participation by industry in the working group was discussed as industry had expressed a lot of interest in WAPECS. However, the meeting noted that the issue had been discussed at the previous RSPG meeting and the consensus then was that the working group should be limited to administrations as this would facilitate more open discussions. It was also noted that the industry can participate via the public consultation. The majority view of the meeting concurred with this decision. It was also agreed to propose that the RSPG should make a recommendation to the EC to consider holding a workshop on WAPECS when the Opinion has been developed.
2. **OUTCOME FROM 3rd MEETING.**

The WAPECS drafting group held its third meeting on the 7 October 2005, in Amsterdam. This meeting examined the responses received from the consultation and worked to finalise the Opinion text. The responses had been analysed and summarised by Ireland (see Annex for overview) and the results incorporated into the draft opinion presented for consideration at the meeting.

While a few issues remained unresolved, the majority of the text was agreed. Areas remaining to be finalised were placed within square brackets for resolution at the final meeting. The main such areas were:

- How to ensure that spectrum is safeguarded for certain important public policy objectives? Examples include broadcasting and safety-of-life issues. Should such services be listed in the Opinion, or should a more general formulation such as “services of general economic interest” be used?
- How best to move to the implementation phase of WAPECS?

It was also agreed that a summary of the public consultation process should be included in the draft Opinion.

3. **OUTCOME FROM 4TH MEETING**

The 4th meeting of the WGW was held on 2nd November 2005 in Amsterdam to finalise the remaining text. Agreement was reached on the points outstanding from the previous meeting and on a number of drafting points. It was agreed that the document as agreed at the meeting would be submitted to RSPG #8 subject to some minor “tidying-up”.

The meeting noted that telecommunication standards are written taking into account compatibility with other equipment using the band or neighbouring bands, and that a change in the radio environment might require a change in standards.

The meeting also agreed to propose to RSPG that the “Long Term Policy Goals” identified in section 5.5 of the Opinion (facilitating rapid access to spectrum for new technologies, ensuring a coherent authorisation scheme, technological neutrality and service neutrality) should be reflected in the planned review of the regulatory framework.

Based on the outcome of the public consultation and the discussions in the group, it became clear that the word “platforms” in the abbreviation of WAPECS still caused confusion. It was agreed that consideration should be given to revising the name to “Wireless Access Policy for Electronic Communications Services”, in order to convey more clearly the strategic intentions of the WAPECS concept.

The question was also raised as to what action is being undertaken by the EC and/or its spectrum related bodies on the review of the Framework Directive, e.g., it was noted that the ERG and IRG are actively involved in this activity.
4. NEXT STEPS
   - 23 November ‘05 RSPG #8 – submission of the final draft of the Opinion, for approval to RSPG;
   - Jan/Feb 2006: a public workshop on the Opinion could be held.
   - Consideration should be given to changing the title so that the “P” in WAPECS stands for “Policy” rather than “Platforms”.

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OVERVIEW OF WAPECS CONSULTATION

In January 2004, the European Commission requested the Radio Spectrum Policy Group (RSPG) to develop and adopt an Opinion on a co-ordinated EU spectrum policy approach for wireless electronic communications radio access platforms. The objective is to ensure that spectrum is available across a wide variety of services and applications to meet the requirements of the Lisbon agenda, and to comply with the overall policy goal of developing the EU internal market and European competitiveness. This project has become known as WAPECS (Wireless Access Platforms for Electronic Communications Services).

As part of the process of preparing the Opinion the RSPG undertook a public consultation, in parallel with the ongoing discussion in the RSPG, to seek the views from all interested parties on the spectrum implications of WAPECS. The comments received would be considered in the development of the Opinion. The consultation took place between 24th June and 15th September 2005.

The specific areas where views were sought were:

- The proposed operating definition of WAPECS
- The proposed definition of “platform”
- What constraints if any should there be on the provision of services using spectrum primarily in the broadcast domain?
- What specific rules should be introduced or maintained to safeguard the delivery of Services of General Economic Interest (SGEI)?
- What impact will there be on standardisation due to changes in spectrum policy?
- What other challenges, than those already identified, should the RSPG consider?
- Were the proposed steps to achieve the European objectives for WAPECS adequate?

A total of 37 responses were received from a wide range of respondents including trade bodies, operators, broadcasters, vendors, Governmental bodies and Member States. They were generally comprehensive responses and the views varied across industry.

There were a number of issues that were raised in the responses which are briefly mentioned below:

- The WAPECS definition is acceptable because it is sufficiently broad (slightly less than half of the replies).
- The WAPECS definition does not clearly indicate the scope of WAPECS and what it is intended to address (just over half the replies)
- WAPECS should include both public and private applications as it is becoming increasingly difficult to differentiate between the two from a market and services perspective.
• The definition of “platform” had limited support and other proposals were “systems” or refer to technology.

• There were a significant number of responses that considered account should be taken of constraints placed on the use of spectrum for broadcasting when considering whether the spectrum could be used for other services. This included obligations to provide service, requirement for high powers and the need for harmonised frequency bands (RRC-06). Only five responses considered there should be no constraints placed on services using broadcast domain spectrum.

• To safeguard the delivery of Services of General Economic Interest the majority of the respondents proposed a mix of approaches. In general there were as many responses in favour of a specific approach, e.g. regulation of the spectrum, market based approaches, competition law, than against. In the case of State Aid Policy concerns were raised that it could be an expensive solution. It was also proposed that SGEI should be defined so there is a common understanding.

• The issue of harmonised use of spectrum was raised by a number of respondents against several of the questions. It was considered important for broadcasting and also for other services where there is a need for economies of scale, roaming and interoperability. It was proposed that the use of spectrum freed up as a result of the transition from analogue to digital broadcasting should be harmonised.

• Policies for ensuring availability of standards included availability of harmonised spectrum, lightweight and flexible approach to regulation, efficient relations between CEPT and other standards bodies. The need for credible sharing studies, not worst case, was raised.

• A number of responses identified there was still insufficient spectrum to meet the requirements of i2010 and some proposed that there should be further investigation into the potential for sharing or returning spectrum currently allocated to Governmental Bodies.

• The transition to the WAPECS regulatory regime was identified as an important challenge and the need for an evolutionary approach not revolutionary. It was suggested that there needs to be an alignment of national procedures as national regulation should not cause regulatory barriers. There is a need for some NRAs to catch up with new initiatives and so provide a common approach. There were proposals that a sub-set of bands should be identified to apply the principles of WAPECS in the shorter term.

• The relationship to spectrum trading and liberalisation issues was also raised as a key point and also the need for a comprehensive spectrum information system such as an enhancement to EFIS was mentioned by a number of respondents.