RSPG09-253 rev 1

RSPG WORK PROGRAMME 2009

I.   Introduction

Spectrum is a finite and valuable natural resource, and is an indispensable input for all forms of wireless communications that has growing importance as it becomes more and more critical to competition and innovation. Consequently the regulatory implications of spectrum management are high.

In 2009 the EU and its Member States will face several regulatory challenges in the area of electronic communications and other services requiring access to radio spectrum. While examining the potential items for inclusion in this Work Programme, the Group considered the most prominent spectrum issues at stake, both at global and at regional level. The Work Programme was finalized in light of the following policy perspectives, in order to fit it to the EU agenda and to take account of long-term strategic objectives.

1) Digital dividend

The switchover from analogue to digital TV broadcasting continues to release a significant amount of spectrum in the most valuable UHF band with high propagation characteristics. This offers consumers and service providers with a unique opportunity for cheaper, better and wide-ranging services. Revisiting the work that has resulted in the RSPG Opinions on the Digital Switchover and on Multimedia Services is timely[1].

Already in its first Opinion on the subject in 2007[2], the RSPG considered the digital dividend to offer a crucial window of opportunity for promoting innovation. But the issues at stake have evolved as the interinstitutional and stakeholder negotiations gather pace, and if the regulatory community in Europe takes appropriate and carefully considered measures, this will have a considerable impact on the economy by driving innovation, productivity and competitiveness. The European Parliament has requested specifically that the RSPG gives its view on any Commission proposal on a coordinated EU approach to the digital dividend.

2) Wireless broadband

Wireless communications will become more important as a complement to wired access for consumers, as broadband services seek to penetrate further in rural areas and as the capacity and cost constraints of wired broadband services become more prevalent. A new and competitive wireless infrastructure would allow the introduction of lighter touch regulation, give space for infrastructure competition and deliver consumer benefits. The regulatory decisions to accelerate these developments lie with the Commission and the Member States because these services are likely to require more bandwidth and spectrum, and this range must be taken from somewhere – if not from the digital dividend.

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[1] RSPG04-55 and RSPG06-143
[2] RSPG 07-161final

3) Contributing to the implementation of regulatory reforms regarding spectrum

The RSPG regards it as important that it further enhances its earlier practice to provide advice on implementation strategies on issues regarding overall spectrum policies in the context of the revised regulatory framework. The RSPG could support the development and functioning of the various spectrum policy reforms proposed in the context of the revision of the regulatory framework, in particular on issues such as technology neutrality, service neutrality, and flexible spectrum management. Key challenges are those identified in the WAPECS and the secondary trading Opinions, the consistency between various EU regulations relating to spectrum and a good coordination between bodies involved in spectrum policies.

4) Framework review

The outcome of the review of the Electronic Communications Framework unmistakably sets the parameters for markets, players and consumers for the foreseeable future. The RSPG therefore intends to make the best efforts in order to contribute to the proposed spectrum strategy in order to enhance stability, predictability and transparency in regulation, efficiency in spectrum usage and overall and global competitiveness for Europe and its Member States.

5) Other issues

The group considers that it is a must that its voice is heard concerning the effects of innovative technologies and services – e.g. on cognitive technologies, mobile TV; on Radio Frequency Identification (RFID) – especially as there has been a Commission consultation and the results are not yet finalized. Also, RSPG advice should be sought vis-à-vis the launched Commission consultation of the Internet of Things (IoT).

The RSPG understands the need for detailed discussions and the provision of strategic advice in relation to sectoral demands – e.g. general licensing conditions, various other sectoral needs – and therefore considers that market players should be given every opportunity to express their perceptions of innovation and market developments.

II.   Thematic and methodological set up of the Work Programme (Deliverables)

In light of the above considerations, the Work Programme 2009 indicates the framework and the provisional timing of the planned outputs of the RSPG for this year. At the same time we intend to initiate further strategic preparation for the years 2010 and beyond, with special regard to the coordination of EU spectrum interests and methods for more effective spectrum usage. These items in the Work Programme will look at more distant horizons on the regulatory skies. Furthermore, the group commits itself to being at the forefront of the spectrum debate and to delivering expertise to policy makers.

The future deliverables in principle depend partly on the ongoing review of the Framework, and partly on the Council's approach to the digital dividend. To ensure consistency and continuity, several items on this year's agenda are related to items in the previous work programmes, allowing for a methodologically sound and coherent approach. The RSPG plans to achieve this via organisational excellence whilst turning the RSPG into a high level discussion forum with the continuous involvement of the Commission's services.

III.   Deliveries and major focus points

1. Digital dividend
Outline

The RSPG – following a request by the Commission - adopted an Opinion in February 2007 on the EU spectrum policy implications of the digital dividend[3]. The opinion contained 15 different suggestions for consideration by the Commission. At the moment, as the review of Electronic Communications Framework approaches its end, and the European Institutions appear to be coming to a conclusion on several aspects of the switchover from analogue to digital broadcasting, the RSPG considers that in the light of the Parliament's recommendations (September 2008), and especially, in light of the technological developments and the progress made by national administrations, there is a need to revisit its opinion on this subject with special regard to the fact that any decisions on the digital dividend should allow for the promotion of general interest objectives and the development of new services by electronic communications operators, and should take into account the benefits of a coordinated approach, including harmonisation, where appropriate.

As there is an ongoing Commission commissioned study by external consultants, and given the European Parliament's interest in the issue at stake, the group will both benefit from and contribute to the discussions that are following this issue.

The group will examine how the digital dividend can be used on a technology and service neutral basis, while promoting new and innovative applications and services.

The RSPG will provide input to the Commission in order to best define a roadmap for Europe in this respect, in line with the work to be done on wireless broadband issues. In accordance with the European Parliament's request, any Commission proposal on EU coordination of the digital dividend will also be subject to the RSPG's input before it is submitted to the Council and Parliament. The output from this work should promote a common understanding of the significant issues to be addressed in order to reap the full benefits of the digital dividend throughout Europe.

Type

RSPG Position paper initially, followed by an RSPG Opinion

Expected results

Action plan in the form of a RSPG recommendation regarding what concerted action needs to be taken.
RSPG's Opinion on Commission's proposal on EU coordination of the digital dividend

Timetable

First status report: RSPG #18, 1Q 2009
RSPG Position paper and Draft opinion: RSPG #19, 2Q 2009
Opinion on Commission's draft proposal (poss. ad-hoc RSPG meeting, 3Q 2009 [TBC])
Approval of the Opinion: RSPG #20, 4Q 2009

Public consultation: Yes

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[3] http://rspg.groups.eu.int/doc/documents/opinions/rspg07_161_final_op_digdiv.pdf

2. **Wireless broadband**
Outline   Over the past approx. 15-20 years the Internet has fundamentally changed our lives and transformed Europe's economy: broadband became fundamental. This progress will accelerate as mobile Internet and ultra-fast broadband make it possible to deliver innovative services to more people, reaching out to the poorest and most remote communities of Europe. The European broadband market is developing rapidly. In January 2008, the average broadband penetration in Europe was 20%, with huge differences among Member States. In some Member States the penetration rate is above 30% while in others it is less than 10%.   It has been acknowledged recently that the efficient use of spectrum is a vital factor in the development of broadband services in order to overcome the digital divide and to act a as a vector for growth in the European economy at a time of serious economic difficulties. The RSPG considers that there is a need to comprehensively approach the case of digital divide and to attempt to identify regulatory challenges and market opportunities regarding the development of wireless broadband services. Therefore the RSPG intends to systematically analyse Member States' practices regarding the digital divide, the development policy implications of possible fixed network roll-out and the competition issues related to wireless broadband services. The document may serve as an input to the wireless broadband strategy plans in Europe, including in relation to Next Generation Networks and the potential for wireless solutions to assist in delivering Next Generation Access to European citizens and consumers.
Type   RSPG Position paper
Expected results   Review "Best practices" which could be taken to facilitate the roll-out of wireless broadband services.   Ensure that shortage of spectrum is not a bottleneck in the provision of wireless broadband services and forward this message to the stakeholders.
Timetable   First status report: RSPG #18, 1Q 2009   Adoption of the document: RSPG #19, 2Q 2009
Public consultation: No

3. **Competition aspects in the context of spectrum management reform**
Outline   The RSPG and the European Regulators Group (ERG), noting the converging nature of the two fields of interest of each group under the legal framework, have decided at their respective plenary sessions in May and June 2008 to strengthen the cooperation between

them by setting up a joint Working Group in order to share experience and tackle regulatory challenges related to electronic communications. Consequently, the group identified several areas of interest and decided to address the challenges through the collection of best practices. The first of this kind will be the issue of the transitional problems relating to the ongoing change in spectrum management approaches in Europe. Other candidate topics for the future are: market analysis in the light of the new approach to spectrum management, hoarding and competition problems.

Type

RSPG report

Expected results

The group aims at identifying issues that may arise in the transitional period when changing from the current regulatory model of spectrum management to a more liberalised market-based methodology.

Timetable

Adoption of the transitional issues report: RSPG #18, 1Q 2009
Planned adoption of the second report: RSPG #19, 2Q 2009

Public consultation: No

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4. Increasing efficiency in Public Use of Spectrum
Outline At its November Plenary in 2007, the Commission requested the RSPG to issue an opinion on the Public Use of Spectrum. The Working Group held several meetings and one public workshop in 2008, and also commissioned a study on the subject. The draft Opinion should be presented to RSPG #18 in February 2009. The draft will address issues such as: how to identify the best ways for public use of spectrum, to create a level playing field public and non public use of spectrum and to give guidance on how to best appreciate spectrum by public bodies with regard to its value. The Opinion is expected to give guidance on how to improve information flow and quality, how to improve institutional arrangements, which management tools to apply, and also which technologies and incentive arrangements to be introduced.
Type RSPG Opinion
Expected results The outcome will identify what methods should be introduced to more effectively use spectrum by public users.
Timetable Status report: RSPG #17, 4Q 2008 Adoption of the opinion: RSPG #18, 1Q 2009
Public consultation: No

5. Coordination of EU spectrum interest

Outline

We believe there is a certain necessity in representing a more finely-tuned EU approach at international forums such as the ITU Radiocommunications Conferences, regional and international negotiations as well as bordering multinational discussions. It is a common view of the RSPG that the European spectrum community should address these issues in a comprehensive and well thought forward level. As part of the preparation for the next World Radio Conference in 2011 (WRC-11) the RSPG is ready to assist the Member States and the community with common approaches in order to bring the best out of the negotiations. The RSPG should identify the earliest possible the main themes of the WRC-11 to be backed by EU-wide support. The group will provide advice on how to best promote the identified policies at the negotiations.

Also, as part of the RSPG's monitoring exercise the group will look at the outstanding issues of outer border spectrum coordination within the EU.

Type

RSPG Opinion

Expected results

Support EU level spectrum policy coordination

Timetable
Draft opinion: RSPG #19, 2Q 2009
Adoption of the opinion: RSPG #20, 4Q 2009

Public consultation: TBD

6. Methods for more effective spectrum usage (costing, pricing, assignment)

Outline

Efficient spectrum management should take into account the value of spectrum, in economic as well as social terms.

Methods of frequency assignment should find applicants who will create the highest value via use of spectrum. On the other hand, decision makers should also take into account other significant aspects, i.e. impact on competition, social issues, etc., as well when assigning frequencies. Assignment procedures should be designed to best ensure the optimal outcome and should encourage spectrum users, be they a public, commercial or non profit user, to make the most efficient utilisation of scarce spectrum resources. Administrative incentive pricing systems may replicate the market mechanism in the case of public use as well as in some specific cases for commercial users. Both the assignment method and administrative incentive pricing systems should reflect the value of the spectrum taking into account societal impacts of spectrum usage and obligations from international agreements.

The Report is expected to give guidance on how to reach optimal outcome in case of assignment and pricing of spectrum use taking into account the differing needs of public and commercial use of spectrum.

Type   RSPG Report
Expected results   Methodological guidance based on best practices
Timetable   First status report: RSPG #18, 1Q 2009   Draft Report: RSPG #19, 2Q 2009   Adoption of the Report: RSPG #20, 4Q 2009
Public consultation: TBD

7. Cognitive technologies
Outline   Cognitive technologies are a key driver of innovation and more efficient use of spectrum and have potential to offer considerable benefits across a broad range of applications. Cognitive technologies may allow for real time spectrum management and are capable of increasing spectrum efficiency significantly. Under this work item the RSPG will deal with the white space issue.   There is an identifiable need in Europe to engage as early as possible in these discussions in order to promote innovation and facilitate access to the spectrum.
Type   RSPG Opinion
Expected results   Introduction of the issue to the European agenda
Timetable   First status report: RSPG #19, 2Q 2009
Public consultation: TBD

8. Other issues
Outline   The Group has also identified various other areas of interest where the regulatory community might have to step in. One major issue arises in light of the consensus apparently emerging – in the current negotiations on the regulatory framework for electronic communications – on the need for a spectrum strategy programme. While the content and process of such a strategy has yet to be agreed, it is clear that the Opinion of the RSPG would be a vital input in line with its current mandate. It is likely, therefore, that in the course of 2009 the RSPG will have to adjust its work programme and prepare an Opinion on the strategic objectives for EU spectrum policy.

The other issues identified by the Group are not considered to be of imminent need, yet are at the doorsteps of regulatory planning. The RSPG considers that there might be a need to engage in further work regarding these issues in the course of 2009 and therefore does not exclude the possibility to dedicate resources in order to best reflect upon the following areas: pan-EU services, unlicensed spectrum, review of specific sectoral spectrum needs and special bands for liberalisation, monitoring of the Common Use of Spectrum model.

Type Depending on the request	
Expected results Support EU-level spectrum policy making	
Timetable TBD	
Public consultation: TBD	