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Electronic Communications Policy
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DRAFT RSPG 2010 WORK PROGRAMME

Introduction

In 2010 the EU and its Member States will continue to face several regulatory challenges in the areas of electronic communications as well as in other sectors where services require access to radio spectrum. In deciding on the items to be included in this Work Programme the Group considered the most prominent issues at stake, both at global and at regional level, which affect the policy debate in the EU. This Work Programme is built on the foundations laid down in 2008, continuing and expanding the work carried out in 2009, in order to fit it into the new EU policy agenda with a long-term strategic perspective. This takes particular account of the new institutional set up stemming from the review of the Directives in ECNS in process of approval, which foresees an enhanced role for the RSPG in shaping spectrum policy in EU. With these objectives in mind the Work Programme is then centered around the following policy items.

Multiannual Radio Spectrum Policy Programme

This work item would be focused on 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 more effective, more efficient and more co-ordinated spectrum use. Liaisons will be needed with other work items in the programme due to the horizontal nature of this work.

Type of delivery: Opinion

Public consultation: yes
Expected by: the opinion, on explicit request by the Commission, is expected to be delivered on time for the Commission legislative proposals, likely by end of April. An extraordinary RSPG Plenary meeting could be convened on the scope.
<p>Work outline. The Group should provide detailed views on the policy orientations and objectives regarding the strategic planning and harmonisation of the use of the radio spectrum in the Community with a time span on 5-10 years, necessary for the functioning and development of the internal market. In doing so the Group may also provide input to other work items listed in the present programme under different headings.</p> <p>The task will be continuously updated along the life of the multi-annual policy programme and other developments.</p>

Harmonised EU participation in international negotiations
This work item should be based on 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.
Type of delivery: Opinion or Position paper
Public consultation: Yes
Expected by: third Plenary [Nov. 2010] before consultation
<p>Work outline: As part of the preparation for the next World Radio Conference in 2012 (WRC-12) the Group should assist the Member States and the Community with common approaches in order to bring the best out of the negotiations. The Group should take stock of the opinions developed in 2009 and applying its recommended methods should continue developing the main themes of the WRC-12 to be backed by EU-wide support. The Group will provide advice on how to best promote the identified policies at the negotiations.</p> <p>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.</p>

Digital Dividend
This item should be centred on policy issues related to the new regime identified in the new EC Communication and Recommendation (the roadmap). The work should concentrate on supporting

<p>the implementation of the EU roadmap, once this has been endorsed by Council and EP, and as outlined in the forthcoming multiannual Radio Spectrum Policy Programme. This may require the development of several work streams as part of the digital dividend roadmap. One of the first issues of interest could be the development of a strategy for increasing spectrum efficiency and spectrum utilisation. A second issue of interest could be assessing the merit of the development of a co-operative process supported by the Commission and aimed at encouraging and assisting Member States in their efforts to coordinate frequency with non-EU countries and to avoid cross-border harmful interference, where appropriate. A third issue of interest will be to further advise the Commission, as necessary, in the implementation of relevant recommendations from the recent Opinion RSPG09-291.</p>
<p>Type of delivery: Opinions or Position Papers</p>
<p>Public consultation: depending on the work stream</p>
<p>Expected by: depending on the evolution of the Policy Programme, tentatively second [June 2010] and third Plenary [Nov. 2010], before possible public consultation</p>
<p>Work outline. The Group should start working on selected elements in the EU roadmap, i.e. initially, developing the issues and eventually proposing recommendations to achieve an optimal level of spectrum efficiency and spectrum utilisation. In doing so the Group may liaise with the work item on Cognitive Technologies, where the issues to analyse include, for example, the introduction of cognitive radio for the utilisation of the so called white spaces. The Group may also examine the impact of other technology developments as a means to reach more efficiency. A second work stream is related to the development of a process aimed at encouraging and assisting Member States, on a voluntary basis, in their effort to coordinate frequencies with non-EU countries. Finally, the Group may also select other items in the Commission roadmap, once this has been endorsed by the EU institutions including, where appropriate, further developing the recommendations in the 2009 Opinion, while taking account of the forthcoming multiannual Radio Spectrum Policy Programme. Two documents are envisaged in the first instance.</p>

<p>Competition Aspects in spectrum assignment and usage</p> <p>This item would continue the ERG-RSPG joint work. The growing significance of technological convergence and the re-use of spectrum is making it increasingly necessary to maintain and strengthen co-ordination between spectrum management and market regulation. Therefore, the ongoing work on competition (transitional) issues started in 2009 should be continued by focussing on the impact of the new GSM Directive, and offering guidance regarding the way of implementing its provisions on potential distortions of competition, as well as examining the issue of refarming as it is affected by the availability of the 800 MHz spectrum band, in an all-encompassing vision of spectrum management. Other issues to be examined are the possible effects on competition of electronic communications infrastructure sharing, including in particular spectrum sharing, between wireless broadband operators, initially focussing on experience to date, and noting that this may provide some scope for increasing the capacity of networks and addressing potential spectrum shortages.</p>

<p>Finally the issue of assessing the impact on competition and market development of the various methods of spectrum assignment and pricing should be developed, by taking as input the results of the Report on Methods of spectrum assignment and pricing developed in 2009.</p>
<p>Type of delivery: Reports</p>
<p>Public consultation: not foreseen</p>
<p>Expected by: second [June 2010] and third Plenary [Nov. 2010]</p>
<p>Work outline: The Group should work along the lines of 2009 work programme, by taking stock of the results of the work carried out and expanding the analysis in the light of the experience gained and market and regulatory developments introduced in the meantime. While identifying issues that may arise in the transitional period when moving to an ever more liberalised market based spectrum management model, or that characterize the competitive models adopted in the markets, including those depending on the legacy situations, the Group should provide a comprehensive evaluation of the various practices adopted and/or possible solutions to general problems not necessarily reflecting specific national situations and their potential effects on competition and competition assessment.</p>

<p>Technology impact on spectrum management</p> <p>A first work stream could be developed by continuing the work on Cognitive Technologies; by taking stock of the 2009 Report findings; an opinion could be developed highlighting recommendations or guidelines for the future spectrum regulatory regime. Some lines of work could be developed by assessing the impact of research and technological development on spectrum management, by gathering information on the key lines of development of current research projects at EU and national level, as well as examining the impact on regulation by using a scenario analysis that highlights where Cognitive Technologies are the right answer to a flexible and more efficient use of the spectrum demand.</p>
<p>Type of delivery: Opinion</p>
<p>Public consultation: yes</p>
<p>Expected by: second Plenary [June 2010] before consultation</p>
<p>Work outline: the Group should set some recommendations for Commission and spectrum regulators in order to better prepare for the introduction of the Cognitive Technologies, with the aim, where possible, to avoid that regulation could constitute <i>per se</i> a barrier. In doing so the Group should start concentrating on the regulatory models that are deemed most suitable to date for an</p>

<p>early introduction of such innovative radio technologies. While in the long term the objective of Cognitive Technologies, as well as of any other technology, is dynamic access to and more efficient use of spectrum, the focus of the work should be on exploring ways and on identifying measures that will facilitate the introduction of Cognitive Radio devices on the market.</p>
<p>A second work stream could be a report highlighting the spectrum usage situation by radio broadcasting service, both in VHF bands and 1.5 GHz, assessing the needs and the opportunities of the sector and identifying which activities could be beneficial for its development and the strategic objectives for the future more efficient use of the bands.</p>
<p>Type of delivery: report</p>
<p>Public consultation: not foreseen</p>
<p>Expected by: third Plenary [Nov. 2010]</p>
<p>Work outline: the Group should base its work on a data gathering exercise and, in developing its analyses, should not have the scope of indicating best practices or mandating actions. While carrying out the work it would be important to discuss the pros and cons of indicating a target date for analogue radio broadcasting (FM) switch off and assessing the efficient use of L band frequencies. The above work could be also extended to AM and SW radios where appropriate, in order to assess whether these bands may also be deemed suitable for policy attention in future. The Group may also have a liaison with the Cocom sub-group CBISS where a discussion of good practices in implementation of digital radio should take place in 2010.</p>

<p>Other issues</p> <p>The Group considers that its advice may be required in areas that could be specified upon necessity during the course of the year, following specific request from the Commission or other EU institutions, i.e. on the impact of new technologies, as well as following up where appropriate on the Opinion on Wireless Broadband adopted in 2009.</p> <p>These working items will be dealt with upon necessity within the new institutional set up.</p>

<p>Organisational Issues</p>
<p>Functioning of RSPG in the new Institutional set up</p> <p>RSPG intends to provide input along the lines of the tasks requested to the Commission by Parliament and Council for the Group, along with the Committees and ERG/BEREC. A new reporting mechanism will also be developed by the Commission upon concertation with the Group,</p>

in order to carry out the task of responding to external requests for opinions coming from Parliament and Council. This will also result into modification of the Rules of Procedure taking into consideration the innovations of the revised regulatory framework.