

## ETNO Expert Contribution in response to the public consultation on draft ECC Report 80 - Enhancing harmonisation and introducing flexibility in the spectrum regulatory framework

### Executive Summary:

ETNO welcomes the draft ECC Report 80 as a good overview of the current radio spectrum regulatory framework and its advantages while presenting ideas for improvements.

With regard to “*Flexibility*” in radio spectrum management and utilisation, ETNO takes the view that flexibility should be considered in a broader way and that the “*Interrelation between harmonisation and flexibility*” is more complex than stated in the draft ECC Report. Furthermore, comments are provided on the “*Scenarios for increased flexibility in spectrum management*” and the concept of “*Flexible bands*”.

ETNO is prepared to participate in any further investigations in the areas indicated in the draft ECC Report.

### General comments

ETNO congratulates CEPT for the creation of this comprehensive report. It gives a good overview on the current spectrum regulatory framework and its advantages, and also provides ideas how to improve radio spectrum management to make it more responsive to market demand and pace of technology development.

This response should be seen in addition to the **ETNO Expert Contribution EC070 (2005/05)** on Harmonisation and Flexibility in the context of radio spectrum management which is also contained in the draft ECC Report 80 as Annex 9.

In the following ETNO’s view is expressed on some aspects covered by the draft ECC Report 80, and we would appreciate to see our comments reflected in its final version.

## **Flexibility**

In chapter 2.2 it is correctly stressed that flexibility could be understood in different ways by various stakeholders (see also ETNO's understanding of "flexibility in radio spectrum management as a higher number of possibilities to align spectrum resources with their needs in a timely and self-sufficient manner within the appropriate regulatory framework" in Annex 9). Further examples are given in the five bullet points.

The definition of flexibility given with regard to the radio spectrum regulation

*"increasing the ability of the spectrum regulatory framework to facilitate and adapt, in a timely manner, to user requirements and technological innovation by reducing constraints on the use of spectrum and barriers to access spectrum"*

is broadly defined and could be supported by ETNO. However, it should be borne in mind that provisions in the regulatory framework should be in place for the protection of existing applications and existing technologies.

Furthermore, there is a need for a clear distinction between flexibility in radio spectrum management and flexibility in radio spectrum utilisation. Whereas the first is considered a general principle, the latter refers to its implementation on a case by case basis.

## **Interrelation between harmonisation and flexibility**

Concerning the interrelation between harmonisation and flexibility considered in chapter 2.3, ETNO is of the opinion that it depends - as regards to spectrum utilisation - on the specific conditions in a given frequency band and may not necessarily be interpreted as "the higher the harmonisation, the lower the flexibility" and vice versa. For example, several means of flexibility are based on the prior harmonisation or exclusive usage rights, e.g. evolutions in radio technologies or spectrum trading.

## **Scenarios for increased flexibility in spectrum management**

In chapter 3.5 four scenarios are introduced. These scenarios appear more to categorise various frameworks of spectrum utilisation rather than to present increased flexibility as stated in the heading of this chapter.

In reality spectrum utilisations are sometimes subject to more than one of these categories/scenarios, e.g. the GSM frequency bands are referred to in all four examples, as they could apply to any of these scenarios, depending on the specific regulatory regime applied. Of course the conclusion that all four examples benefit from a harmonised introduction is correct.

The title “3.5 Categories of spectrum utilisation” might better fit to this chapter.

## **Flexible bands**

The concept proposed is an interesting idea to facilitate easy and fast spectrum access for new radio applications. However, there are a number of questions regarding the practicality of such a concept.

For instance, manufacturers, operators and users generally prefer radio equipment which is usable in a great area, e.g. Europe- or even world-wide, for different reasons like economies of scale, free circulation, etc. As the flexible band concept does not ensure spectrum access for a specific technology, this concept would not ensure wide area usage, but these bands will be available for use by radio equipment which might otherwise not be provided an opportunity to operate in that area.

Instead of “*flexible bands*” the term “*application independent bands*” might better reflect the idea of the concept, and could also avoid possible misunderstandings with regard to the understanding of flexibility (see also our comments on flexibility above).

## **Conclusions**

ETNO considers the draft ECC Report 80 as a comprehensive overview on the current spectrum regulatory framework and its advantages, and proposing ideas how to improve radio spectrum management to make it more responsive to market demand and pace of technology development.

The impact of radio spectrum regulation on operator’s investment in radio networks is high. Therefore, as already stated in our earlier contribution, ETNO favours a careful and progressive approach, i.e. the introduction of higher flexibility after careful evaluation on a case by case basis, and in a harmonised way.

ETNO is looking forward with interest to the further studies in ECC mentioned under 5.7 and prepared to participate therein.