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## ETNO Expert Contribution in reply to the consultation on “the Future Role of CEPT”

### Introduction: Specific situation of ETNO

ETNO is the European association of 42 major telecommunications operators from 34 countries. Our trade group appreciates the opportunity offered by the CEPT Presidency to comment on its consultation document “the Future Role of CEPT”.

ETNO is recognised as observer in some CEPT WGs (eg ITU WG, ECC CPG, ECC TRIS, etc...) and is therefore associated in the preparatory work driven by CEPT, including the development of European regulations and the preparatory process of high level ITU conferences such as the Plenipotentiary Conference and the WRCs. This good cooperation, consolidated by the practice of exchanging observers between CEPT and ETNO and formalized under an LoU, must be highlighted. This cooperation is also open to all ETNO members, who can participate under their flag in a number of project teams established by ECC or CEPT ITU WG. This possibility is used by many of the ETNO members and helps CEPT to elaborate strong positions including industry views.

ETNO sees this consultation as a good opportunity for CEPT to reassess its missions, priorities, working methods and way of functioning. ETNO hopes the final result will be a strong organisation able to face the challenges of the new telecommunications environment, based on its recognised technical expertise and the involvement of all concerned actors.

ETNO interest in CEPT work is solely in the electronic communications field. Therefore the following answers do not address the postal area of CEPT activity but concentrate on ECC activities.

**Question 1:**

**Do you agree with the assessment of strengths and weaknesses identified on Chapter 1 ?**

The situation described in chapter 1 reflects a good perception of the today's reality, describing CEPT's strengths, but also the main challenges of the near future. But in some way, the environment described in this paper is not totally complete:

Two main situations are not covered:

- the reference to regulators' (NRA) actions, and more precisely at the European level, initiatives taken by the ERG. The focus is only on EU action and its implications, but a cooperation process should also be established with ERG for possible common topics, as many NRA representatives participate in the work of ITU under their national administration's flag coordinated by CEPT;
- Standardisation activities and CEPT's link with specific European organisations such as ETSI. The latter is an essential actor in the process of frequency management and standardisation.

Concerning general comment, ETNO highlights two aspects:

- The decision making process involving EU and CEPT: The scope of their relevant activities is different (multiple aspects of electronic communications policy for European Union, spectrum issues for ECC), the geographic scope is different (48 Member States for CEPT, 27 MS for the EU) , and last but not least political power and representation in international organisations is based on different criteria (e.g. within ITU, EU is simply an observer whereas each CEPT member has one vote). The proposed change of the structure could only give a partial answer to the problems highlighted in the paper. The problem CEPT is facing is more its political recognition, compared to the Commission.
- The general image problem for CEPT: its technical work is very well recognised. However, CEPT is very often seen as the association of the old postal and telecom administrations, and despite its innovative capacity, represents a conservative block. Change of logo and/or name could be

proposed. ETNO sees also this consultation as a good opportunity to reassess the question of the synergy between CEPT's work for post and telecommunications and about the efficiency of its management. Even if this doesn't really harm the CEPT positions, ETNO would prefer an organisation based on a particular approach for each market and establishment of coordination for each sector.

- When it comes to coordinating European positions regarding issues such as spectrum and numbering towards organisations like ITU, CEPT has an important role as it includes 48 countries.

**Question 2: Do you think that in general the CEPT should place more emphasis on strengthening against its weaknesses, or on consolidating its strengths and seeking to diminish or abandon its role in other areas?**

ETNO is in favour of consolidating CEPT strengths and abandon its role in some other areas. New issues could also be concerned by this position, in particular regarding policy making issues related to ICTs or to the Information Society. Issues like network security, impact of standardisation and climate change are often seen as being of the competency of the European Commission; but as they are also treated by international organisations, CEPT could therefore develop a complementary role to the EU and develop a better enhanced cooperation at European level, and also outreach European positions in international conferences such as ITU.

*Tasks and roles of CEPT.*

*Key dimension 1: Strength of the organisation at the international level*

**Question 3: Is there a need for new guidelines and commitment on ECPs, in view of the fact that active minorities within CEPT sometimes could operate against an ECP. Should these countries be excluded from coordination on those ECPs which they oppose?**

Concerning technical matters, ETNO supports the continuation of existing guidelines. Preparation of debates within CEPT is a good opportunity to cover all aspects of a specific issue, and some contradictions expressed during these debates are a good way for the coordination to be prepared for difficult negotiations on the international scene.

As long as the UN system, and in particular the adoption process within ITU, is based on State Membership participation, recognising the sovereignty of each country, ETNO is of the view that all parties should keep their rights to express their positions. The reason for this is also tactical: positions may also evolve or change during the time of a conference negotiation and therefore flexibility is needed until the last day of a conference.

In conclusion, ETNO is in favour of defining European positions based on consensus but believes that a flexible attitude should be adopted vis-à-vis opponents. The current regulation includes possibilities to depart slightly from a general position (country footnotes) and take into account particular situations. Such provisions seem preferable to avoid situations where a European country or a block of countries would speak against a CEPT proposal. This practice could be based on a code of conduct. ETNO considers it is important to keep all countries associated and maintain external transparency, despite difficulties to reach full consensus.

**Question 4: How important is it to secure the election of CEPT candidates to positions in ITU (or UPU)? Notwithstanding that there is no legally binding mechanism for CEPT members to support a single candidate for a given position, do you think that CEPT should pursue a unified approach based on solidarity, to decide which posts and candidates should be supported for a given election?**

As a general position regarding elections, ETNO adopts a neutral position. Elections in ITU are a political process and it is an extremely sensitive issue for Europe, more for national administrations than for ETNO companies, which are involved in several markets concerned. Therefore ETNO has a clear position advocating for the competency of the candidates to be taken into account, prior to all other criteria – with a preference for a European candidate respecting the competency principle.

**Question 5: Should the CEPT seek a more active role in the new policy areas of cybersecurity and internet governance, or should this be left to existing frameworks and the European Union?**

These issues have not only technical implications, but are also politically very sensitive. Therefore, it is necessary to let bodies such as ITU or the European Union manage cybersecurity in line with global arrangements, in close cooperation with industry. A new mission for CEPT, as a recognised ITU regional organisation, might be to coordinate European support to ITU's cybersecurity activities – similar to CEPT's role towards ITU for spectrum

management and numbering issues. CEPT's mission in the field of cybersecurity would be deviated from ITU's mandate only.

As for Internet Governance, this is outside of the scope of CEPT. Technical and policy issues are adequately handled by other bodies such as ICANN, IETF, IGF... that follow bottom-up processes and include all relevant stakeholders, as well as international organisations/forums.

*Key dimension 2: Strength of CEPT as a technical body.*

**Question 6 and Question 7:**

**Should economic considerations be made a more routine component of CEPT work, or should CEPT concentrate solely on the technical area, where it has an established competence and expertise (especially in spectrum and postal matters)?**

**If the former, should the economic dimension become one of the leading components of an integrated CEPT policy, or should it just be used to enable CEPT more effectively to orientate its technical work (especially that undertaken under mandate from the European Commission)?**

Based on its experience and having produced during last years many markets studies, ETNO's position is to take into account the economic dimension to support and complement CEPT technical work, and to influence its work where appropriate. This is in particular necessary for all work related to spectrum management which is experiencing a move towards liberalisation and market lead approaches. ETNO is convinced that such studies can lead to a broader understanding of some specific issues, by taking into account financial and social considerations. ETNO advocates for a clear and precise process for these studies.

*Key dimension 3: Strategic thinking.*

**Question 8: Should the development of a strategy continue to be 'bottom up' in character, or should it be directed from a high level, based on a strong engagement with the European Commission?**

ETNO favours a medium and balanced option, based on the advantages of each of approach:

- the current bottom up approach, based on the diversity and the involvement of concerned representatives from administrations and industry, is a good way to be close to market requirements and the needed experience of complex technical issues. It should also favour innovation.
- the engagement of the European Commission, rather of a top-down nature, aims to develop the common European market by adopting mandatory Decisions based on CEPT technical studies, gives guidance on sensitive political issues and where necessary establishes priorities linked to the political agenda of the European Union.

Considering the different scopes of EC and CEPT, ETNO considers that both approaches could coexist.

ETNO considers also that at the EU level, the development of strategy should be undertaken while better associating Industry in the decision process. In particular Industry representative associations should bring their knowledge of markets and services to the elaboration of mandates to CEPT by RSCOM. Their views would also be valuable in producing RSPG Opinions.

**Question 9: Should the CEPT Conference (currently organised by ERO) and the CEPT Assembly (currently organised by the Presidency) be planned in a coordinated way, so that the Conference can in part be used as a preparation for the Assembly, in particular the development and agreement of a policy agenda? Or should they remain as separate events?**

ETNO doesn't take part in the Assembly but expresses some doubts on the merging of events having such different purposes. The CEPT Conference is a key event aimed to attract a large audience to debate the latest evolutions in the telecommunications sector, while the Assembly seems more to be a key milestone for internal CEPT decisions. The Conference must also be seen as an event in competition with other conferences organised by specialised, often commercial organisers, or other organisations (e.g. ITU). This promotes these entities, which is equally the case for the CEPT Conference.

*Key dimension 4: Regulatory role and influence.*

**Question 10: What would be the most effective division of competence between EU and CEPT at the practical level? Please give your criteria and possibly specific examples.**

The current organisation of the work between EC and CEPT as it has been defined by the current regulatory framework including the Spectrum Decision appears to be satisfactory and led in the recent past to the adoption of several important Decisions.

ETNO operators appreciate particularly the openness of CEPT WGs and Project Teams which provide the possibility for affected parties including but not only spectrum users to express their views and contribute to sound technical regulation. ETNO is of the opinion that in general CEPT/ECC technical contributions should be directly included in EC Decisions.

As already stated, based on CEPT/ECC working methods, ETNO considers that RSCOM should take advantage of a more open and transparent working process, associating industry in a consultative role, publishing all meeting documents on the EC website.

*Key dimension 5: Interfaces between industry, international organisations, and CEPT governments.*

**Question 11: Are CEPT's mechanisms for engagement with industry and other relevant stakeholders effective? Could they be improved and/or broadened, and if so how should this be done in a way that is efficient and in proportion to the requirement?**

ETNO proposes as a rule to open industry participation in CEPT activities at all levels. It can bring a balanced representation of all concerned interests, foster innovation, give a precious link with the reality and sometimes the difficulties encountered by companies in specific situations. This open participation should be the case for all CEPT bodies: ECC and their subgroups, WG ITU, etc... ETNO recognises the need to find simple and easy criteria: European interest in telecommunications issues, or for ITU being part of the activity of the Union. This participation should also be clearly formalised (MoU) and reviewed on a regular basis. It could possibly be limited to representative organisations for specific high level meetings.

*Key dimension 6: Platform for EU and Non-EU Members.*

**Question 12 : Should CEPT develop a cooperation agreement with RCC, inter alia to resolve potential conflicts of interest between countries with membership of both organisations?**

ETNO considers that this question is mainly addressed to Administrations. However ETNO would like to provide the following views: An important strength of CEPT/ECC is the wide and coherent geographic area covered. The nature of spectrum justifies addressing large and convex geographical areas. Furthermore, all industries are regional if not global industries and therefore support studies and decisions with a wide applicability.

*Chapter III*  
*Models for CEPT's Development*

**Model I, "Enhanced CEPT"**  
**Model II, "Focus on essential roles"**

**Question 13 : Give your views on these different Models I and II. Do you have a preference or do you prefer a different Model altogether?**

ETNO believes that the CEPT should develop a model that is an "enhanced CEPT" for its core activities. ETNO considers that spectrum management is a main core activity of CEPT and should benefit from this voluntary approach.

*Chapter IV*  
*Organisational matters*

**Question 14: What is your view on whether the CEPT should be divided into two separate organisations with interest focused separately and respectively on posts and telecommunications? The views of all the responsible entities are sought.**

ETNO has no particular difficulties with the current structure, based on a common organisation including postal and telecommunications issues. In practice, it must be recognized that there is no cooperation or synergy between these two sectors, except maybe from an administrative point of view. Based on market criteria, a separation of postal and telecommunication issues could maybe be the best way to focus on the specific issues of each sector.

ETNO has no opinion on questions 15 to 19, related to internal CEPT functioning.

**Question 15: What is your view on whether the CEPT should adapt its existing structures, Option (i) "existing model" or create a new form for its leadership and management Option (ii) "new management structure"?**

**Question 16: If seeking to make adjustments to the existing CEPT structure, the question arises of how much coordination is needed between the three main groups (WG ITU, ECC and CERP). Therefore: Should these groups then be largely autonomous in developing and applying their policy? What role should the CEPT Assembly or Troika have in defining the span of discretion and basic principles of operation of these groups?**

- Are there separate initiatives which should be taken to address specific issues identified in Chapter I?
- Should the CEPT seek to inform more widely about its activities?
- Should the CEPT seek to have a unified externally-facing presence across its areas of interest, or should it only exist as an inward-facing framework for its members to operate?

**Question 17: Based on the option ii, which additional functions in the Office/Secretariat should be prioritised?**

**Question 18: If CEPT is to develop its permanent secretariat functions, do you agree that all CEPT countries should make an appropriate contribution to the increase of its costs?**

**Question 19: Are there other questions/issues which should be dealt with? Which?**