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ETNO Position Paper for the Trilogue Negotiations on the UHF Band Decision

In the context of the trilogue negotiations on the “Proposal for a Decision of the European Parliament and of the Council on the use of the 470-790 MHz frequency band in the Union”, ETNO, the association representing Europe’s leading providers of electronic communications and services, would like to make the following remarks.

Introduction

- Spectrum for mobile broadband is the lifeblood of the digital economy. Its effective and efficient management is necessary in order to create better conditions for investment in new 4G and 5G broadband networks, which will ultimately create the conditions for a more competitive EU economy.
- To this end, ETNO considers that a forward looking interinstitutional agreement on the UHF Band at EU level is needed and should be informed by these overarching objectives.
- **Rec. 2 – We recommend to endorse the text of the Council’s general approach**, with the addition of the reference “in order to ensure access and connectivity”, as per the ITRE Report.
- **Rec. 2a – ETNO supports the addition proposed by the Slovak Presidency of the Council in the compromise proposal of 30 November**, as it underlines the importance of effective spectrum management for the goals of the EU digital economy and Industry 4.0.
- **Rec 3a (proposed by the ITRE Draft Report) – ETNO supports the Council’s general approach** (no text). Effective spectrum management should be aimed at satisfying the connectivity needs of EU citizens and end-users, and should avoid distorting the functioning of mobile markets. We therefore see the addition proposed by the ITRE Committee as unnecessary.
- **Rec 5a (Addition proposed by Slovak presidency on top of ITRE Draft report) – ETNO rejects the addition proposed by the Presidency**, as we believe wholesale obligations should be addressed in the context of the regulatory market analysis, rather than as part of the authorisation process. If the reference is maintained, ETNO believes it should be made clear that any wholesale access obligation can only be imposed after a finding of dominance following the European Commission’s SMP Guidelines.

694-790 MHz frequency band (the “700 MHz band”)

- ETNO reaffirms the importance of a **timely and coordinated release of the 700 MHz band for mobile broadband across the EU at the latest by 2020**. We were supportive of the original proposal of the European Commission in this respect.
- Regrettably, we have noticed that the co-legislators have proposed to grant a derogation of up to 2 years for Member States to complete the allocation of the band to mobile broadband.
- In our view, the only reasonable derogation should have concerned the needs related to cross-border frequency coordination with non-EU countries.
- Acknowledging the current status of the discussion, we believe that the text of the ITRE Report provides better certainty that undue delays in the allocation of the band will be avoided. **ETNO therefore supports the ITRE Report with regard to: Art. 1.1 (ITRE AM 22 and related Annex, AM 33).**
- **Art. 3.1 – ETNO supports the compromise proposal by the Slovak Presidency of 30 November**. It provides the right balance in the wording, without attaching excessively onerous obligations to the allocation of the 700 MHz band, which would ultimately distort competition and hamper the investment case (see also comment on **Rec. 3a** above).
- **Art. 5a – ETNO supports the compromise proposal by the Slovak Presidency of 30 November** which does not impose any restrictions to the chosen technology.
- **Rec. 5 – ETNO supports the Council general approach**, which provides the most balanced wording. Inclusion of reference to “fastest possible broadband speeds” is vague and could lead to regulatory uncertainty and distort the incentives of operators to use the band to compete among each other on the market and develop better networks.

470-694 MHz frequency band (the “sub-700 MHz band”)

- **Art 4.1 – ETNO supports the position of the ITRE Committee**, which proposes the allocation of the band until 2030 for the terrestrial provision of broadcasting services. The approach taken by the Council, which may extend the allocation beyond 2030, is not in line with the Lamy Report and risks closing the door for further promising technological developments and a more efficient use of the band.
- **Art 4.2 – ETNO supports the position of the Council’s general approach**, which doesn’t impose any restrictions on the use of spectrum in the 470-694 MHz frequency band.
- **Art. 6 and Rec. 13 – ETNO supports the ITRE Committee’s text concerning article 6**. The idea of conducting a review of the usage of the sub-700 MHz band and the related customer demand is a valuable approach as a basis to decide on the future usage of this frequency range. The deadline proposed by the Commission

(1/1/2025) for such review does not fit with relevant international developments in particular with the already agreed agenda item for WRC-23. It is essential that Europe develops a common position in preparation of WRC-23 to be able to act accordingly. Therefore, ETNO believes that the envisaged review should be completed in a timely manner ahead of WRC-23.

ETNO (European Telecommunications Network Operators' Association) represents Europe's telecommunications network operators and is the principal policy group for European e-communications network operators. ETNO's primary purpose is to promote a positive policy environment allowing the EU telecommunications sector to deliver best quality services to consumers and businesses.

For questions and clarifications regarding this position paper, please contact Francesco Versace, ETNO Director of Regulatory Affairs, at versace@etno.eu