

UMTS Forum response on the consultation on the future role of CEPT

UMTS Forum welcomes the opportunity to respond to the consultation on the future role of CEPT. UMTS Forum wishes to express some overarching concerns that regulatory practices with regard to the discussions on regulatory spectrum aspects is not being optimal, neither from the consumer nor the industry viewpoint.

The UMTS Forum represents a significant group of spectrum users, who are interested in the development of public mobile communication networks including UMTS/IMT-2000 and, especially, its related spectrum topics. UMTS Forum is a cross sector group with many different players involved in third generation (3G) mobile communication systems and their Long Term Evolution, including equipment manufacturers, operators, administrations, service providers and software developers.

The UMTS Forum appreciates the initiative to review the future role of CEPT. Reviews of the CEPT ways of working, is something that could be considered to be performed regularly subject to changes on markets and technology. Accordingly, the work associated with the radiocommunication issues within CEPT/ECC should continue and remain focused on the very technical matters, but without neglecting the regulatory policy matters for all the 48 member states.

The future role of the CEPT is a very important matter, but with regard to the many ongoing issues within CEPT/ECC, a new role might not be the most pressing aspect to be addressed within CEPT/ECC. There are other more pressing issues on the agenda such as the Digital Dividend that need to be rendering the highest attention by member states and stakeholders. All in all, there might not be an urgent need to change the role of the CEPT; it is regarded to be more important to do it right in opposition to hastily.

Chapter I Introduction.

Question 1:

[Do you agree with the assessment of strengths and weaknesses identified on Chapter I?](#)

UMTS Forum is of the view that some reforms could be necessary within the ECC branch of CEPT.

Further, UMTS Forum wishes to see CEPT keeping many of the existing functions with regard to the technical and regulatory expertise in Europe, with regard to work related to radiocommunication applications and their usages. To^[LA1] come to terms with the weaknesses, it might be necessary to exercise regular review of the ways of working, in addition to the ongoing review.

The work based on technical methods needs to be improved to develop the usage of the relevant radio frequency bands and for the benefit of establishing appropriate sharing and coexistence criteria^[LA2]. The understanding of necessary technical characteristics and parameters of radiocommunication applications is essential to validate sharing and coexistence.

Chapter II

Tasks and roles of CEPT.

Key dimension 1: Strength of the organisation on the international level

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?

Both placing more emphasis on strengthening its weaknesses and consolidate its strength. Certainly there are areas where CEPT could focus and improve on cost efficiency with regard to in its work; particularly by being more issue driven; and without delay, by closing groups and/or activities down when the work is diminishing or coming to an end. Sub groups should be established more in form of project teams and task groups with well defined terms of reference and time plans. Permanent groups should be avoided to the extent possible.

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?

No, in fact the method of having minorities within CEPT operating against an ECP proved to be one way of achieving results at the ITU WRC-07.

No, excluding minority countries could diminish the possibilities of arriving at a compromise; therefore CEPT should continue allowing also countries operating against an ECP to participate in the coordination work.

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?

UMTS Forum regards appointments to ITU to be very important and that those positions are often balanced between the regions. Having candidates coming from CEPT member states would be an important contribution to the ITU. Further, it is important to also consider Sector Member candidates for positions in the ITU and that the industry could have a say in the selection of candidates.

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?

UMTS Forum wishes to refrain to comment as we are lacking the necessary insight on these issues.

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

Question 6: 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)?

UMTS Forum is of the view that the economical aspects are of profound importance, and need at all times be taken into account when usage conditions and technical aspects of spectrum management

work are considered. However, any socio-economical objectives related to overarching policy objectives are better dealt with in external policy frameworks.

In addition, the “day-to-day” work and procedures within CEPT should also be considered in an economical perspective. See also our response to question 2.

Question 7: 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)?

UMTS Forum is of the view that the economical dimension is a very important component, which could be considered to a greater extent when assessing benefits to society as a whole of spectrum usage. The economical aspect should always be one component amongst others to enable the CEPT/ECC to more efficiently carry out its technical work, including the work undertaken on Mandate from the European Commission. The economical aspect is a very important element when assessing the different user needs for spectrum resources.

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?

UMTS Forum is of the view that CEPT should provide a structure and platform for the regulators and stakeholders to address issue driven activities. Consequently some activities should be handled bottom-up whereas other issues should be approached top-down subject to where the issues are initiated and the type of issues. It is important for CEPT to be swift and agile in accepting new tasks from the “bottom-up” and “top-down” perspectives and even having the right structure when issues are arriving from the “side” from e.g. other organizations.

Currently the structure is somewhat hierarchical while addressing issues coming from external organizations to CEPT. The impact from the hierarchical structures in CEPT is that results and deliverables risk being unnecessarily delayed. For CEPT to be more agile, project teams and task groups could be given clearer mandate, to be able to better undertake wider responsibilities with regard to involved issues and to deliver conclusive results under its terms of reference, in opposition to the current type of rigid hierarchical structures. The necessary control can in any event be exercised by modern electronic information channels to the member states and stakeholders.

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?

UMTS Forum wishes to refrain as we are lacking the necessary insight at this level of the work within the CEPT. Nevertheless it seems to respond to a good synergy spirit if the Conference could bring some key inputs to the further topics and decisions of the Assembly.

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.

UMTS Forum can appreciate the difficulties of avoiding borderline cases between EU and CEPT; where EU on one hand is representing a policy that has not been validated from a technical point of view, and where, on the other hand, CEPT wants to be involved in the policy objectives also representing the countries outside of the EU.

UMTS Forum is of the view that the CEPT needs to remain a down-to-earth organization where practical technical coordination work and national regulations can be aligned. UMTS Forum does not see any need to “compete” with the EU either on the political or on the social arena. CEPT should remain focused on a practical technical and regulatory level by resolving international radiocommunication issues between member states, and be the European gateway towards the ITU work. The CEPT should avoid drifting away towards a more philosophical dimension of radiocommunication regulations as such a dimension better rest with the member states and with the EU.

In Europe, CEPT is providing the only platform where the regulators and the industry jointly can address and resolve the international technical and regulatory issues involved. UMTS Forum is of the view that it is important that the CEPT retains its capacity to work on e.g. the technical aspects of IMT related harmonization. The near future will show that the technical elements of CEPT Decision ECC/DEC(05)05 were right for Europe, and that a possible diverging future EC Decision on the same subject can incur problems for EU member states. This is expected to further strengthen the CEPT position as the competence centre for the technical and regulatory radiocommunication work in Europe and be positioning the EU as the political body, as well as positioning EU as the body for discussions on aligning strategic policies and licensing issues. EU is expected to be requiring technical and regulatory support from the CEPT as well as the ability to coordinate with the 48 CEPT member states.

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?

UMTS Forum appreciates the opportunity for the industry to contribute to the work of the CEPT and the openness of its working methods.

The issue of having under-representation by some stakeholders needs to be addressed by the individual member states. The member states have the responsibility towards its nationally based industry to make sure that also small and new market stakeholders have equal opportunity to contribute to the work in CEPT.

See also our earlier answers to questions 2 and 10.

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?

UMTS Forum is of the view that it would be of interest to both organizations to have these issues sorted out without any further delay. The objective could be to establish an understanding between the two organizations on the best practice of work and on how to cooperate in the future deliberations,

perhaps also with a view of establishing common views towards ITU on identified issues. Parallel work between the organizations should be avoided through coordination.

CEPT member states need to be better aligned, ready to compromise and unite at the future WRCs. UMTS Forum understands that the results and positions taken before and during the ITU WRC-07 did not represent the best way of working in Europe (CEPT and RCC) but with this experience CEPT member states now better understand the importance of being prepared and cooperative for the sake of European consumers. It is understood that the results eventually and anyhow will fall out the way some stakeholders were striving for at the WRC-07; unfortunately, results were not delivered at the WRC-07 so the conflict between CEPT and RCC was perhaps unnecessary in the longer-term perspective. It is important that the whole of Europe works together prior to WRCs rather than working separately in CEPT and RCC.

Chapter III

Models for CEPT's Development

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?

UMTS Forum is of the view that the CEPT has a very important ongoing role to fill in the European context considering the strong position of representing 48 state members. Even though EU is containing 27 member states, the CEPT is the only body who can represent "all" European countries providing for the coordination of both technical and regulatory objectives. The regulatory competence needs therefore to be maintained within CEPT/ECC. The CEPT/ECC needs to remain a down-to-earth organization and not be drifting away towards a more philosophical dimension. The CEPT/ECC needs to remain strong in the technical field, while always considering the economical impact of its deliverables. The social goals of countries and regions are better dealt within external policy frameworks, or on a national level. The EU Commission should remain a very important cooperation partner. The less than transparent practices within the EU Commission framework again suggest that the continued work within CEPT remains important. The current practices of using Mandates and associated procedures seem somewhat awkward. A more agile practice for liaison between the EU Commission and the CEPT needs to be established.

It remains important that segregation between European countries in CEPT and RCC is avoided.

See also our response to question 8.

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.

Advantages

- Participants with an interest in one branch do not need to waste time on matters devoted to the other, therefore:
 - o Organisational complexities can be reduced
 - o The two branches are able to pursue agendas and organisational structures focused closely on their respective needs and market and technological dynamics.
- Expertise can be deployed in a similarly focused manner
- Better mirroring of international framework (ITU and UPU are separate).
- The 'ancien regime' image can be addressed.

Disadvantages

- Possible loss of (potential) economies of scale in support services.
- Lose umbrella framework where potential opportunities for synergy and influence may be enhanced.
- The scope of the CEPT's interests may better reflect some countries' governmental structures.

UMTS Forum wishes to refrain to comment as we are lacking the necessary insight at this level of the work within the CEPT. What can nevertheless be noticed is that there is an opposite tendency at the operators level and at the regulators level: on the one hand all incumbent European PTT operators have now separated their postal and telecoms branches, that are now separate companies, whereas the regulators tend to gather the various components in a unique regulator (ARCEP in France,...). The final choice should be guided by potential (or not) synergy factors and by a similarity (or not) of economics, competition rationale and management structures of the two sectors.

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"?

UMTS Forum wishes to refrain to comment as we are lacking the necessary insight at this level of the work within the CEPT.

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?

UMTS Forum wishes to refrain to comment as we are lacking the necessary insight at this level of the work within the CEPT.

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

UMTS Forum wishes to refrain to comment.

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?

UMTS Forum wishes to refrain to comment.

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

UMTS Forum has no further comments, but wishes to present some

Additional reflections

UMTS Forum would like make some reflections on the consultation document. It is somewhat surprising to see that the text with reference to *“the right balance between innovation and harmonization in radio communications”* is suggesting that innovation and harmonization is balanced against each other; on the contrary, the most innovative environment currently existing in the world is that for technologies developed for harmonized spectrum. The most innovative, advanced and successful technologies in the world are currently being developed in the most harmonized environment; where GSM/EDGE, WCDMA/HSPA, LTE and IMT-Advanced are being researched, specified and developed. Therefore, if Europe wish to remain competitive on the market for the most advanced technologies and affordable ICT services, the continued harmonization of spectrum is essential.

In the text of the consultation, there are some references to unproven novel ideas which are floated around in the regulatory community in Europe where the issue of technology harmonization and neutrality is often confused with spectrum harmonization. Certainly different technologies can coexist on different channels in a friendly manner in one and the same frequency band; however, planning for the usage in such a band needs to be developed in a coordination process, preferably within whole of Europe, and harmonized with regard to the usage in terms of transmission directions and channeling arrangements. At this title, let's mention the UMTS Forum/BAH Report *“Thriving in Harmony – Frequency harmonisation: the better choice for Europe”*, issued in January 2007.

The text is further referring to some traditional catchphrases as *“command-and-control”* and to some unknown unproven novel method of spectrum governance that should be aimed of lowering the access barriers for innovation while considering harmful interference; but these ideas remain to be proven. CEPT has a particular responsibility to run sanity checks explaining the possible impact on the European market if these ideas are misleading. Perhaps CEPT could consider taking upon itself the initiative to verify these ideas by suggesting a smaller scale test case, possibly on non-public radiocommunication services to verify that any new regulatory practices are serving their purposes. The new method of spectrum practice is being tested in full scale on the most successful services and technologies in the history; GSM/EDGE and WCDMA/HSPA family are technologies that have all passed through the CEPT regulatory and technical processes and are now serving half the world's population (about 3 billion subscriptions) with radiocommunication services under regulatory schemes which are using harmonization of spectrum as its basis with defined transmission directions and channeling arrangements. Still the freedom to migrate using the latest innovations has already been demonstrated in many countries within these current defined regulatory schemes.

Countries who have experimented with spectrum regulatory schemes that are offering unsuitable flexibility are still suffering from these experiments. In conclusion, UMTS Forum considers that a move away from the current proven approach to interference control based on reference to international standards and agreements, towards the unproven concepts, would be misguided. Control of interference and successful coexistence of different technologies and services is best achieved by reference to standards produced by the appropriate internationally recognized standards bodies and by references to Recommendations and Decisions of CEPT/ECC. This approach ensures that spectrum use is harmonized on both sides of geographic boundaries of CEPT countries, and that different radiocommunication systems are standardized and carefully assessed against each other from a coexistence point of view to the benefit of European consumers.
