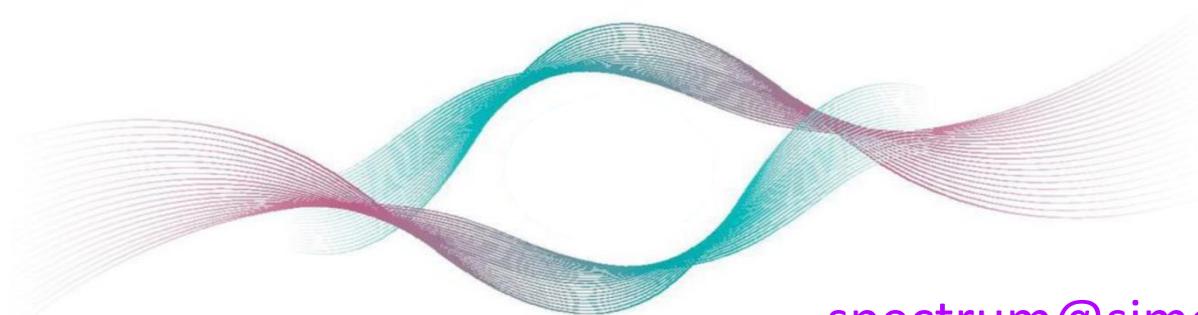


Spectrum and Telecoms Equipment: The impact of Brexit

Simon Pike

(chair of Spectrum Policy Forum, Cluster 4)



spectrum@simonpike.me.uk

Introduction

Competencies in Spectrum

- The EU and the Commission
- ITU (International Telecommunications Union)
- CEPT
- Member States

Spectrum Harmonisation

EU regulation of telecoms equipment

- Directives and Harmonised Standards
- The New Legislative Framework

Impact of Brexit

The Impact of the UK Leaving the EU on UK Spectrum Policy

A report for the UK Spectrum Policy Forum ¹

(go to www.techuk.org and search for Spectrum and Brexit)

¹ <http://www.techuk.org/insights/reports/item/9287-brex-it-the-impact-of-the-uk-leaving-the-eu-on-uk-spectrum-policy>

Competencies in Spectrum

The EU and the Commission

- EU policy and legal framework for spectrum
- Harmonisation measures for spectrum use

The ITU

The United Nations specialized agency for ICTs, including radio spectrum

- Radio Regulations – the international treaty on spectrum use
 - Revised by World Radiocommunication Conferences, meeting on ~4 year cycle
- Satellite Coordination

CEPT

European regional body dealing with telecoms issues - has 48 member Countries

- Develops technical measures for spectrum management
- Coordinates European positions for World Radiocommunication Conferences

Member States

- Spectrum awards and licensing
- National (non-harmonised) use of spectrum
- Spectrum for national security

CEPT Members



CEPT + EU

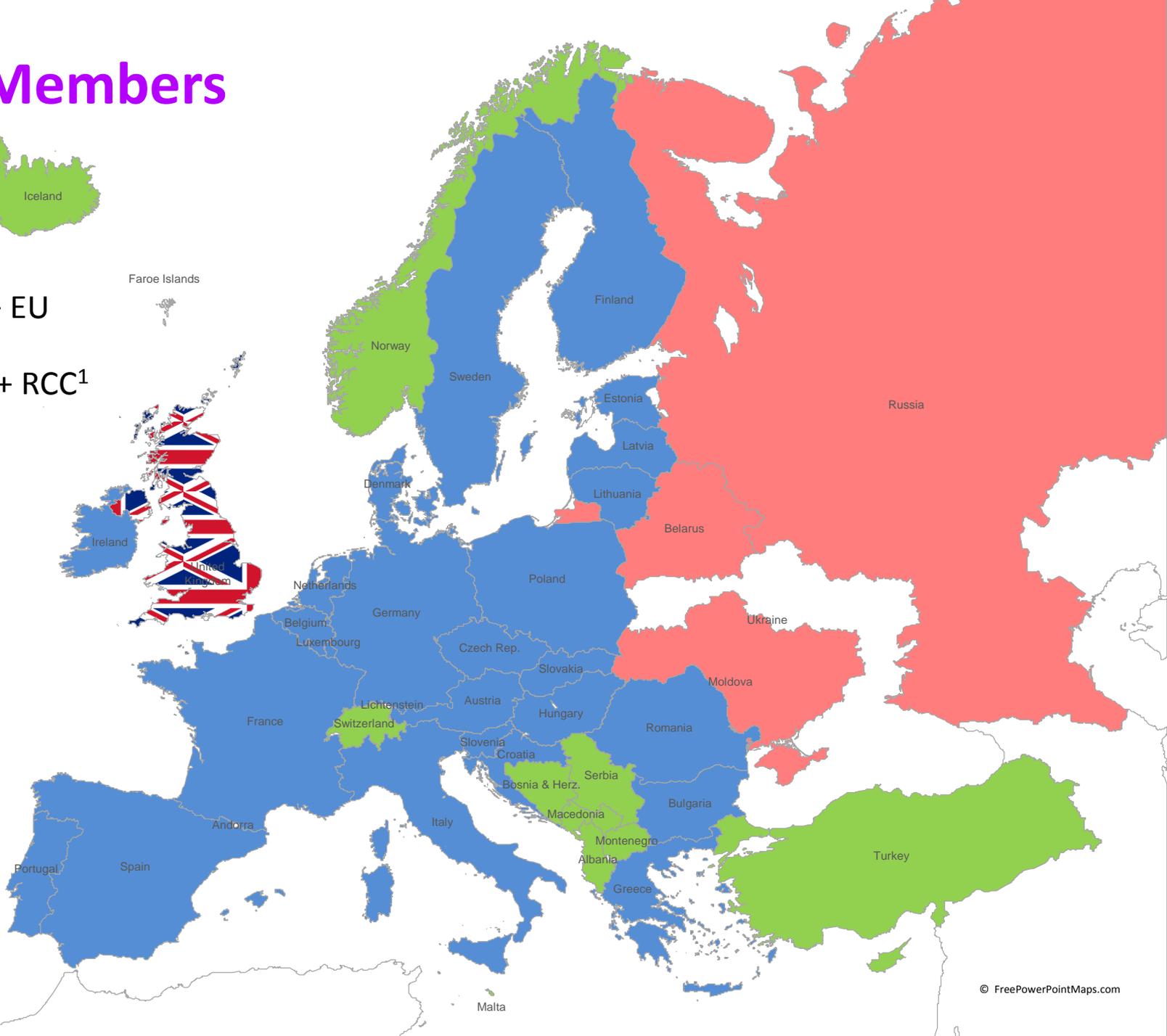


CEPT + RCC¹



CEPT

¹RCC is a regional body for telecoms comprising Russia and affiliated countries



The process of spectrum harmonisation

1. ITU defines broad categories of use (services) for frequency ranges
 - and criteria for coordination between services and across national borders
 - It may also 'identify' spectrum for a particular application e.g. IMT (3G/4G/5G)
2. Radio Spectrum Policy Group (RSPG) advises Commission on spectrum policies
3. Commission (DG CNECT) decides on a spectrum Harmonisation measure
 - In consultation with the Radio Spectrum Committee (of Member States); RSCOM
 - It issues a Mandate to CEPT to undertake technical work
4. CEPT develops technical conditions for spectrum use
 - including, in many cases, a bandplan
 - There is full participation of industry in this work
 - Regulators from non-EU countries participate on an equal basis
5. The Commission implements the spectrum harmonisation in a Decision
 - Including the technical conditions for transmitters
 - It instructs MS to 'designate and make available' spectrum in a given timeframe
6. ETSI develops Harmonised Standards
 - Including technical conditions for receivers and licence-exempt devices

Telecoms equipment

- Primarily, the Radio Equipment, EMC and Low Voltage Directives
- These are applicable to both network equipment and consumer terminals
 - The EMC Directive also applies to *fixed installations*
- All three Directives were revised in 2014 under the New Legislative Framework (NLF)
 - Their provisions came into force earlier this year
 - There is a one year transition period for placing products on the market.

Obligations under these Directives

- Manufacturers and importers must demonstrate conformity of products with the *Essential Requirements* of the Directive
 - The most common way to do this is using *Harmonised Standards*
 - These are developed by ETSI
- Some obligations 'trickle down' the supply chain to distributors
 - Unlike the previous Directives
- Conformity is shown by the CE mark on the product and a declaration of conformity
- If a distributor sells a wireless product under its brand, it is subject to the obligations of a manufacturer

The UK has not implemented any of these Directives in national legislation

Effect of Brexit on Spectrum

Direct consequences for UK

- 👍 Existing spectrum licences and licensing measures will continue unchanged
- 👍 The UK can continue to play a full part in ITU, CEPT and ETSI
 - Ofcom, Government and UK industry
- 👎 UK will lose influence over high-level EU spectrum policy
 - But the high level policy currently being set will continue for several years
 - UK will lose membership of RSCOM and RSPG
 - It may be able to continue to participate in RSPG as an Observer
 - Industry will lose access to high level groups e.g. UHF band and 5G
- 👍 Brexit will give UK more flexibility over national use of spectrum
 - But this is limited by the need for coordination with EU neighbours
 - Most wireless products need European economies of scale

Wider implications in Europe

- ? Brexit may shift balance of influence in spectrum towards Member States
 - Spectrum coordination between MS and UK becomes an external matter
 - It makes it even more difficult for the Commission to take the lead at WRCs

Effect of Brexit on Telecoms equipment

Operators

- 👍 Some of the more onerous obligations of NLF need not be implemented

Manufacturers, importers and exporters

- The UK should continue to recognise the CE Mark
 - 👎 Otherwise products sold in both UK and EU would need duplicated processes
- There will still need to be a UK regime for product conformity assessment
 - At least for UK-specific wireless devices
 - 👎 And possibly to demonstrate that the UK has ‘taken back control’
- 👎 The UK will need to negotiate Mutual Recognition agreements with EU and other countries

Enforcement authorities

- 👎 A new regime will be needed for enforcement of non-compliant equipment

Scotland

- 👎 Some powers will transfer from EU to Holyrood, unless the Scotland Act is revised - e.g. Technical standards