



IIC EUROPE CHAPTER – BRUSSELS, 25 NOVEMBER 2019

SPECTRUM MANAGEMENT, 5G AND EMISSIONS – CHALLENGES AND OPPORTUNITIES UNDER THE NEW EU ELECTRONIC COMMUNICATIONS CODE (EECC)

Q&As with Augusto Preta, Stephen Unger, Francesco Liberatore (Co-Chairs of the Europe Chapter)

Why did you choose 5G as the main topic for this second meeting of the Europe Chapter?

When we met in Rome earlier this year (see [here](#)), 5G was already front and centre of the discussion on the most debated aspects of the EECC – from very high capacity networks to spectrum management. As one of the most critical building blocks of our digital economy in the next decade, we felt that 5G deserved a deep-dive on its own in our second meeting in Brussels. We could not have hoped for a more knowledgeable panel of speakers to discuss this important topic, including Anthony Whelan (European Commission), Jonas Wessel (RPSG), Michel Van Bellinghen (BEREC) and Ben Wreschner (Vodafone). Matthew Kirk (Squire Patton Boggs) was excellent at guiding what turned out to be a very lively and engaging panel discussion.

How is the EECC relevant for 5G?

The EECC is closely related to many other initiatives by the European Commission to promote 5G, and in particular the 5G Action Plan. For example, both the EECC and 5G Action Plan share the common objective of creating a more co-ordinated approach to spectrum management, with a view to promoting the rollout of 5G and protecting incentives in network investment. As part of this coordinated approach, the EECC makes the following changes: (a) Duration of radio spectrum licences for wireless broadband up to a minimum of 20 years, to provide legal certainty and stimulate long-term investments; (b) Clear rules on spectrum assignment and the renewal of licences; and (c) A regular review of radio spectrum fees. It remains to be seen whether Member States will auction exclusive spectrum rights for 5G, reserve spectrum for industrial use, or adopt spectrum sharing based on common standards.

In addition to spectrum management, what are the main challenges facing 5G?

The panel identified the following main challenges: emissions restrictions (for healthcare reasons), network sharing and standardization restrictions (for competition law reasons), cyber-security (for strategic and national security reasons). In addition, some of the businesses cases for 5G remain untested and continue to generate mixed reactions from the industry.

What are the solutions?

Although the views amongst the panellists were not always aligned, they converged on the need for a long-term strategy and partnership between all stakeholders – including regulators, operators, vendors and users – to resolve these challenges. Where restrictions are introduced for reasons that are outside the competence of the telecoms regulators and policy makers, there will be a need to

involve other regulators and fields of expertise. For example, to resolve health-related concerns around the level of emissions arising from the densification of 5G equipment, the telecoms industry will need to work with the healthcare industry and competent regulators. Similarly, to resolve competition and security-related concerns around network sharing and equipment standardization to reduce the level of densification of 5G equipment, the telecoms industry will need to work with the competition, data protection/cyber-security authorities as well as the vendors and landowners.

So everyone has a role to play?

Absolutely. The EU launched a Public-Private Partnership (5G-PPP) which has the potential of putting Europe in the forefront of the current research phase, as compared to other regions. The research results are now feeding the global standardisation process and being used to prepare the first large scale trials and demonstrators in Europe, in cooperation with several key sectors. Time will tell if the 5G Action Plan and EECC will leverage and unlock these initial research successes. Failing to do so, as one panellist put it, might risk creating a regulatory cost that will be difficult, if not impossible, to recover in the long term.

What are the next steps for the Europe Chapter?

We plan to discuss the flexibility which the EECC provides for individual national regulators to take account of national circumstances, ask to what extent this flexibility is being used in practice, and whether this risks undermining the single market. Given that the event will be held in London around the time the UK is expected to leave the EU, we might use this as a test case, and ask to what extent the UK regulatory framework is likely in practice to diverge from the EECC. Stay tuned for more information on the next event in the IIC Europe Chapter series.