



Regulatory Review

EUROPEAN REGULATORY STRUCTURES—THE ECC

by Gerry Oberst

At the top of the decision-making process for radio spectrum and certain licensing matters in Europe is the Electronic Communications Committee (ECC) of the European Conference of Postal and Telecommunications Administrations (CEPT).



As this column often notes, decisions from the ECC are not legally binding on the 45 European countries that make up the CEPT. And notably, a good number of the CEPT countries rarely implement ECC decisions—the best rate of adoption seems to be about 25 countries. Nevertheless, these decisions are important guidance to many administrations that often rely on them in their regulatory structure.

A new period of ‘co-habitation’ with the European Commission makes the ECC decisions even more important. Under recent European Union (EU) law, the Commission, through a Radio Spectrum Committee, can issue so-called ‘mandates’ to the ECC to develop reports or recommendations for spectrum allocations and services. To date, the Commission has issued mandates for such diverse topics as ultra-wideband service, next generation spectrum for 3G terrestrial and satellite services, vehicular radar, radio local area networks and other highly specific issues.

The European Commission decisions are, however, legally binding on EU member states, which brings a stronger legal element to the ECC decisions that arise from Commission mandates. There is some inevitable jostling as the Commission and ECC strive to develop decisions, because the two must be compatible—EU member states cannot adopt ECC decisions that are incompat-

ible with the Commission decision, but the Commission could have difficulty adopting its own decisions without political support from the ECC process.

Much confusion arises over the misleadingly similar acronyms and arcane regulatory titles of the various groups. Thus, an otherwise respected analyst wrote in late 2004 that “spectrum policy setting is devolved to the CEPT, a unit of the European Commission.” A well-known British communications company noted that its national regulator was working with the “European Communications Commission” on licensing new technology. And a trade association reported to its members in September 2004 that it submitted an application to “the European Commission appointed European Radiocommunications Office (ERO),” which allegedly in turn “delegated consideration of the application to the Electronic Communications Commission ...”

All wrong. European Commission officials, in particular, got a good laugh at the description of the CEPT as a unit of the Commission. Further, the ERO is an administrative arm of the CEPT, not anything to do with the Commission. The CEPT and its ECC were probably not amused.

There are, nevertheless, serious reasons to pay attention to the ECC. At each one of its plenary meetings held three times a year all over Europe, there will be something on the ECC agenda that affects the satellite industry.

The most recent meeting in Bruges, Belgium, in November 2004, was no exception. One contentious item was a CEPT response to a mandate on 3G spectrum to be finalized by the ECC, but many other satellite-related items were scattered across the agenda.

The mobile satellite industry had never been happy with the CEPT process for preparing the 3G spectrum report, which was stacked by terrestrial interests on the national level. The report correctly stated that the CEPT could not reach agreement

on the most appropriate method to calculate MSS spectrum demand. The satellite industry had to make loud noises at the plenary, however, to delete what it called a “factually misleading statement” in the draft report on satellite services.

The same meeting dealt with changes to an earlier ECC decision on free circulation of MSS terminals and adoption of a new decision on L-band allocations (in the 1.5 to 1.6 GHz range) for MSS.

Further, in a big step backwards, the ECC decided to delete the satellite One Stop Shop (OSS) database, thus essentially eliminating pan-European efforts to provide a central source of information on satellite licensing matters. The OSS was originally touted as a way to assist operators to seek numerous licenses from one location, as well as a central repository of licensing information. The ECC decision to eliminate all these functions, despite a very minimal cost, means that the ERO will strip the OSS from its Web site and give only the Internet addresses links to the sites of the separate CEPT administrations—which is of limited help to an operator seeking information.

Satellite issues are but a very small part of any ECC plenary agenda. The Bruges agenda included such diverse topics as RLANs, numbering for pan-European telemedia service, multimedia messages service, European responses to ITU regional radio conferences, and the digital switchover in the broadcasting industry.

Nevertheless, to understand the decision-making process on spectrum affecting the satellite industry in Europe, it is necessary to keep the Commissions distinct from the Committees and to look for help in licensing satellite services somewhere else than the ECC. ♦

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