

Rt Hon Matt Hancock MP
Minister of State for Digital and Culture
Department for Culture, Media and Sport
100 Parliament Street
LONDON
SW1A 2BQ

16th September 2016

Dear Minister,

The UK Spectrum Policy Forum: Advice on Brexit

As the industry voice of spectrum users in the UK the SPF exists to address strategic spectrum issues and to provide advice to Government and Ofcom. Last month we responded to a request from your officials for advice on the UK Spectrum Strategy. I am now pleased to send you our initial thinking on the implications of Brexit for spectrum.

The SPF commissioned the Brexit report from one of our members with considerable international experience, Simon Pike. The headline issues in his report are these:

- Leaving the EU will diminish the ability of the UK to influence spectrum policy within the Member States; but it will also protect the UK from the direct application of EU regulation which will be better determined at national level, potentially providing greater flexibility on our use of spectrum.
- Spectrum licensing is clearly a national matter. However, the EU will continue to have a significant influence on UK spectrum decisions, for example in major applications such as mobile broadband and broadcasting, and in the development of other European spectrum ecosystems.
- CEPT and ETSI will continue to be the primary European bodies for spectrum allocation decisions and technical standards respectively. The UK has direct membership of both which need not be affected by Brexit.
- Following Brexit the UK will retain international influence in spectrum in Europe via CEPT and at a global level in ITU. Focussing effort to strengthen this influence should be considered, and efforts to retain membership of the EU RSPG group would be worthwhile.

There are many other issues covered within the report, which I have summarised on the attached sheet.

Throughout work on this report, the elephant in the room has been the range of possible relationships between the UK and the EU in the future, on which we've only been able to touch superficially so far. We will look at this in greater detail as the Government's thinking on Brexit develops. Like the UK, the EU increasingly views wireless and spectrum issues as a key strand of driving the digital economy. Its approach on major initiatives such as 5G and the spectrum required will have an impact in the UK. The UK Government, and industry, should therefore seek to maintain influence on these decisions as far as possible. Whether or not we continue to be represented at various EU policy groups, it will be even more important to

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ensure we have a cadre of 'technical diplomats' – people who not only know their technical stuff but are gifted and practised negotiators and ambassadors for UK interests – to represent the UK at all levels of international spectrum meetings. This touches on our views around international representation generally, which we submitted earlier this year.

There are a number of issues relating to spectrum that are common to broader industrial policy as we prepare to leave the EU, and strike out boldly within the overarching international regulatory framework. For example, the current uncertainty about future access to research funding and collaboration is of grave concern. I would welcome an early opportunity to discuss our thinking with you on all these issues, not least so you can steer our future work. We certainly want to continue delivering an industry perspective on the issues that most affect you and us. I'll contact your office shortly to see if we can identify a date to meet.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D Meyer', with a small flourish at the end.

David Meyer
Chair, UK Spectrum Policy Forum

Further Issues and Themes Identified within the SPF Brexit Implications Report

The current uncertainty about future access to research funding and collaboration is unhelpful. New demands for radio spectrum often emerge from research programmes in wireless technology and the most influential of these for our region of the world is the EU framework programme. Our exclusion from this research framework would leave us unaware and uninvolved on new influences emerging on European spectrum policy. These influences will turn, in time, into spectrum decisions at CEPT and world radio conferences that affect our use of the radio spectrum.

The regime for manufacturers and importers to place products on the market will be impacted significantly when the UK leaves the EU, particularly if it leaves the European Economic Area. This will affect many product sectors, including wireless devices. The UK will almost certainly need to develop a national regime for product conformity assessment and negotiate 'mutual recognition' agreements with the EU and the countries with which the EU had such agreements. If the UK does not also continue to recognise the 'CE Mark', this will lead to an increased regulatory burden for business.

There is also an important consideration around 'mutual recognition' on areas such as conformity assessment, and bringing products / services to market. UK's position within the EU has enabled British industry to be well placed in this area in the past. We should seek to maintain our position as far as possible, thereby allowing us to continue adding technological and economic value.

There are clearly major tasks ahead both in examining current regulation to ensure there are no gaps when EU law no longer applies, and also in ensuring that future arrangements preserve or improve UK's position as an attractive location for conducting high value digital work. And there is a pressing question to resolve about what we want to achieve in Europe while we are still a member of the EU. Given the likely timescales for completing negotiations on the EU and bilateral levels, the report suggests that the Government should consider remaining a Contracting Party to the EEA Agreement for at least a transitional period.