

GSMA Public Policy position on spectrum and infrastructure sharing

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Position

All countries should have a regulatory framework that enables mobile operators to engage in voluntary sharing of infrastructure and voluntary sharing of spectrum in mobile bands.

Mobile operators are strongly in favour of maintaining the concept of exclusive usage rights to be awarded to the licensee. Ensuring the licensee the exclusive usage rights is the only way to optimize the use of the mobile bands' spectrum. The licensee is best placed to develop and manage effective mobile bands spectrum sharing arrangements.

Spectrum sharing and infrastructure sharing agreements can intensify the use of the mobile band frequency resources to the benefit of society and consumers. These agreements should not be subject to additional fees or regulatory constraints imposed by government. Imposing fees will increase operators' costs and discourage them from sharing their spectrum and from engaging in infrastructure sharing arrangements.

Governments should remove restrictions on, and obstacles to:

- operators negotiating and concluding agreements on sharing mobile bands spectrum
- operators negotiating and concluding agreements on infrastructure sharing

Both spectrum sharing agreements and infrastructure sharing agreements negotiated and concluded on commercial terms will be agreements governed under commercial law and subject to rules applicable to such agreements. Spectrum sharing arrangements and infrastructure sharing arrangements may be subject to assessment under general competition law and/or sector specific telecommunications law.

Background

Spectrum Sharing

The sharing of mobile band spectrum optimizes the utilization of spectrum assets to the benefit of operators involved and to society and consumers.

A spectrum sharing arrangement might, for example, mean a licensee agreeing to a third party using (parts of) its frequencies in a specified geographical area, possibly in return for some kind of compensation. Or the arrangement might mean the licensee agreeing to share defined frequencies with a third party, possibly in return for some kind of compensation. A third type of spectrum sharing arrangement is when operators share spectrum to aggregate their bandwidth to accommodate wider carriers than their spectrum holdings would otherwise allow, for example when looking for opportunities to deploy wider LTE carriers (up to 20 MHz and higher bandwidth carriers aggregation).

A spectrum sharing agreement can have a variety of geographical and frequency dimensions in sharing and as such the agreed compensation is likely to vary accordingly. This is completely consistent with the concept of voluntary, commercial spectrum sharing arrangements designed to intensify the use of frequency resources.

The flexible and commercially based approach to spectrum sharing arrangements requires a regulatory framework that allows for all types of flexible spectrum trading arrangements. Consequently, it makes little sense for governments to promote spectrum sharing arrangements unless they also allow and promote flexible spectrum trading arrangements. In this context, the GSMA Public Position on Spectrum Trading is relevant and should be read in conjunction with the GSMA Public Position on Spectrum Sharing.

The increased utilisation of mobile bands stemming from voluntary spectrum sharing arrangements, in which the licensees have optimised the sharing arrangements, have the potential of contributing to increased social welfare and economic growth.

The GSMA recognises that spectrum sharing arrangements may lead to operators engaging in spectrum sharing increases the bandwidth they can use. Furthermore, the GSMA recognises that spectrum should be distributed in a way that promotes competition in downstream markets. Consequently, the GSMA recognises that governments may want to balance the interests of operators engaging in voluntary spectrum sharing arrangements with the objective of ensuring distribution of spectrum for promoting competitive markets.

Infrastructure Sharing

Infrastructure sharing is in the interests of society, as a whole, and individual consumers because it has the potential to:

- Lead to faster and wider roll-out of coverage into new and currently underserved geographical areas
- Strengthen competition
- Reduce the number of towers

- Reduce the carbon foot-print of mobile networks
- Reduce costs for operators, making it possible to lower subscriber prices

Mobile operators are seeking to engage in infrastructure sharing to optimise the utilization of the assets, reduce costs and avoid duplication of infrastructure (in line with town and country planning objectives).

The regulatory framework of a country should facilitate all types of infrastructure sharing arrangements, which can involve the sharing of various components of mobile networks, including both so-called passive and active sharing and involve deeper integration. Any limitations in operators' engagement in infrastructure sharing arrangements should be based on the principles of scrutiny under competition law and/or sector-specific telecommunications competition law.