

Laurence Green
Radiocommunications Agency
11B / 20C, Wyndham House
189 Marsh Wall
UK – London E 14 9 SX

Brussels, 7 October 2002

Recognised Spectrum Access – Consultation Document, July 2002

Dear Sir,

SES Global, which satellite system ASTRA is transmitting signals over the UK for nearly six million TV homes subscribing to BSkyB services, has carefully read the document issued by the Radiocommunications Agency on the proposed Recognised Spectrum Access. Our business is directly targeted by the issue, since:

- ✓ Most ASTRA space-to-earth downlinks in the UK are being made within radio frequency bands that are shared between Fixed or Broadcasting Satellite Services FSS / BSS and Fixed Services FS, i.e. between 10.7 GHz and 12.5 GHz.
- ✓ Some downlinks are being made within radio frequency bands that are exclusive to FSS, i.e. between 12.5 and 12.75 GHz.

Our general point of view is as follows:

- 1) In exclusive FSS bands, the risk of harmful interference is simply null. Why is it proposed to protect the delivery of signals in these bands, as illustrated in Annex F of the document, then?
- 2) In nearly ten years time, no problem of interference between FSS / BSS and FS in shared bands has ever been brought to our knowledge. We urge the RA to inform us if such problem has ever arisen
- 3) In shared bands, we are not aware of the need to spend a great deal of resources to guarantee that satellite downlinks do not interfere with terrestrial links, since space transmissions to the earth are made at very low levels of power
- 4) It seems unfair to suddenly require that satellite pays for not getting troubled by the other radio players in the same frequencies
- 5) The existence of a boundary between spectrum for the terrestrial sector and spectrum for the satellite sector is the result of negotiations conducted at international level (ITU) which cannot be individually modified by any national regulator
- 6) International co-ordination procedures confers exclusive or equal access to spectrum to network operators, depending on the frequency bands. At the service level, in the EU Internal Market, it is ruled that providing services across national frontiers is free (Article 49 of the EU Treaty): we believe that prohibiting the delivery

of signals which origin has been authorized in other EU countries, e.g. Luxembourg, must be based on justified and proportionate arguments

- 7) Speaking of competitive disadvantage, is there any plan to charge terrestrial services at the reception side?

Consequently, SES Global, not only does not see the need for RSA, but also feels that it would be a technology-driven, unfair regime disrespectful of basic competition principles.

SES Global, as a member of both the SAP REG and ESOA, has also expressed some of its concerns through the views submitted by these two Brussels-based bodies. SES Global fully supports their views.

Kind regards

Cécil Ameil
13 Bvd Général Jacques
B-1050 Bruxelles
Tél +32 2 733 52 05