EU Commission group ADCO/R&TTE and CEPT Working Group RA1 decided to have a first joint workshop to look at areas of common interest regarding future challenges for Market Surveillance and Enforcement Authorities. The workshop was held at 25 March 2010 in the premise of Finnish Communications Regulatory Authority in Helsinki.

The guest speakers invited were able to give valuable information on the process of risk assessment and the new legal framework, the involvement of the standardisation process in the product development and market access area and also future technologies where existing market surveillance and enforcement policies may have to be re-examined.

The New Legal Framework - Mrs. Rita L’Abbate (Policy Officer EC)
Mrs L’abbate concentrated on the requirement to conduct a risk assessment when regulating risk and highlighted the need to produce a suitable methodology for risk assessment to be utilised by national enforcement authorities. Mrs L’abbate advised that the process of developing a basic generic methodology had been started by the Commission.

The R&TTE Directive - Mr. Pablo Neira (DG Enterprise & Industry EC)
Mr Neira presented a Commission analysis of “Risk” under the R&TTE Directive and how it may be interpreted in a practical way. He suggested that the ADCO group had the best experts to carry on the analysis and put forward an initial methodology for analysis of the risk.

The standardisation process in the effective use of spectrum - Mr. Michael Sharpe (Vice President ETSI/SP)
Mr Sharpe presented the current Harmonised Standard (HS) creation process and highlighting the benefits of HS to industry and authorities. The issues of failings in HS and delays in the production of HS were also examined and he highlighted that greater participation by authorities and industry members is continually sought.

A panel discussion on risk assessment related to effective use of spectrum and market surveillance was chaired by Mr. Lucio Cocciantelli. Observations were expressed that in relation to radio equipment it is difficult to predict the ‘Harm’ that may be caused by spurious emissions and as a consequence it is difficult to carry out a risk assessment before a case of interference has occurred. The Commission suggested that ADCO has the best equipped experts to analyse the issues and advise on a possible risk analysis methodology for radio products. ETSI stated that harmonised standards attempt to protect against risk but that spectrum monitoring by authorities was a key function.

The situation of noticed deficiencies in a harmonised standard was discussed. ETSI advised that it is open to taking advice from authorities with observed issues when a standard was taken into practice. It may be possible to action necessary changes in quite a short period of time and quicker than only formally routing observations through the EU Commission.
The complexity of the regulation system within Europe when compared to markets such as the US was noted by the body representing Notified Bodies. Decision and guidance documents including harmonised standards are many and divided among many bodies. The commission commented that the reduction in complexity is an ongoing work program and that the current revision of the R&TTE Directive is attempting to address some of these complexities. Regulation 765/2008 is also attempting to promote openness, with Market Surveillance Authorities publishing their plans.

Finally the evolution of the European Market Surveillance Framework was discussed and the fact that effective Market Surveillance was essential for the functioning of the ‘New Approach’. Effective Market Surveillance Enforcement needs to continue to evolve to be more coordinated with more common approaches.

Ultra Wide Band (UWB) - Mr. Emmanuel Faussurier (ANFR, chairman PT/FM47)
UWB has yet to realise its potential as a mass market means of high speed data transfer but some UWB applications are being made available on the market with the most popular applications being material sensing devices. The development is ongoing and Market Surveillance Authorities should monitor for new products being made available.

Software Defined Radio - Mr. Ben Smith (Engineer Radiocommunications Agency NL)
Mr Smith explained how the software loaded defines the characteristics of the radio equipment, possibly even when the software may be changed by the end user. This creates significant issues for regulation and enforcement authorities when considering procedures for risk assessment and enforcement actions. Software Defined Radio is starting to be implemented now and is being considered as part of the revision of the R&TTE Directive.

Cognitive Radio - Mrs. Marja Matinmikko (VTT Technical Research Centre of Finland)
Mrs Matinmikko introduced the concepts of Cognitive Radio to the group. The benefits of the technology for more efficient spectrum usage, mitigation techniques to deal with interference or other users and the possibility for new players to gain access to the matter were presented. It is not foreseen that equipment will make its way onto the market within the next 5 – 10 years. Spectrum occupancy studies carried out to date indicate that current spectrum efficiency is at between 5 – 10% so there is great potential for enhanced spectrum use in the future. It was advised that there is intensive research ongoing in to the area and developments may be followed through the ECO’s website.

A panel discussion on the future development of technology in relation to enforcement in Europe was chaired by the chairman of ADCO/R&TTE Mr. Bert Van Dijk.

The discussion centred around Cognitive Radio and Software Defined Radio and the challenges of applying the essential requirements of the R&TTE Directive and assessing the compliance of such equipment when radio parameters can be so easily changed.

It was noted that it will be difficult for Market Surveillance Authorities to carry out risk assessments for UWB devices considering the bandwidth of such applications and the bands in which they operate.

Conclusions of the day and closing the workshop
The discussions were active and highlighted valuable issues to be examined by both groups. Members agreed that the workshop was a success and it was suggested that another joint workshop be conducted in 1 or 2 years to keep cooperation active. All presentations from the workshop will be uploaded to each working groups shared databases on CIRCA and the ECO websites.