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REGULATORY SCRUTINY BOARD OPINION

Impact assessment / European critical communication system

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Brussels,
RSB

Opinion

Title: Impact assessment / European critical communication system

Overall opinion: POSITIVE WITH RESERVATIONS

(A) Policy context

First responders such as police officers, firefighters and emergency responders cannot always easily use their radios and smartphones when working with their colleagues from other Member States across borders.

The European Critical Communication System aims to link first responders' communication systems in the EU and the Schengen area. This will facilitate their life-saving operations and other work. It will also increase the EU's resilience and strategic autonomy.

(B) Key issues

The Board notes the additional information provided and commitments to make changes to the report.

However, the report still contains significant shortcomings. The Board gives a positive opinion with reservations because it expects the lead Service to rectify the following aspects:

- (1) The report does not sufficiently identify the problems, in particular in relation to the interoperability cross-borders and within Member States, and what the size of the interoperability problems are.**
- (2) The report does not sufficiently explore the preparedness of Member States and does not assess potential technical uncertainties. It is not assessed if options are future-proof.**
- (3) The analysis of impacts is not consistent. The impacts of the options, in particular regarding the costs and benefits, are neither sufficiently assessed nor encompass the effect that technical uncertainties could have. It does not sufficiently analyse the distribution of costs/benefits among the various stakeholders.**

This opinion concerns a draft impact assessment which may differ from the final version.

(C) What to improve

- (1) The report should better describe the dynamic baseline by analysing the current situation of critical communication systems (CCS) in Member States, including planning and the current/planned interoperability. It should indicate which systems are currently in place e.g. narrowband, broadband, hybrid model in transition, and what plans and investment cycles there are to develop and/or upgrade existing systems in Member States. The report should provide more details regarding technological trends (e.g. direct-to-device satellite communication, encryption, etc.), the supply chain needs and related sovereignty aspects.
- (2) The report should clarify the size of the problem in terms of the proportion of communications that presently suffer from interoperability shortcomings, cross-border and within Member States.
- (3) The report should improve the description of options, including the baseline, building on the Member States' level of preparedness and related plans. The report should better explain key requirements following from the intervention, including minimum technical requirements. In addition, the report should provide more details on the technical solutions and related uncertainties, trade-offs, key attributes of the new system (security, resilience, functionalities); and how it will be ensured that the requirements and technical solutions are future-proof, e.g. related to direct-to-device satellite communication. The report should be clearer on the uncertainties related to implementation and technical aspects.
- (4) The report should better assess the impacts of the proposed measures as well as potential unintended consequences. The report should enhance the assessment of costs and benefits accruing to all stakeholders and clearly explain how the cost estimates from several countries were extrapolated. The capital expenditures (CapEx) and operational expenditures (OpEx) for Mobile Network Operators (MNOs) need to be made clearer and quantified to the extent possible. The report should clarify whether any resulting costs will be fully covered for MNOs, or not. The report should assess to what extent other actors, e.g. commercial users, could be negatively impacted, e.g. due to communication prioritisation on commercial networks.
- (5) The sections analysing costs and benefits and comparing options should be clear and consistent in the way that costs and benefits are presented. In particular, it should be clarified whether benefits in terms of technological upgrades and facilitating data rich transfer are to be attributed to the initiative, or to other investments and developments. The costs and benefits should be analysed at the same level, i.e. if indirect benefits are taken into account, also indirect costs should be included in the analysis.
- (6) The report should, throughout the analysis, incorporate further observational data, and consider how the evidence can be strengthened beyond the opinion data collected in the public consultation.

Some more technical comments have been sent directly to the author Service.

(D) Conclusion

The lead Service may proceed with the initiative.

The lead Service must revise the report and its executive summary in accordance with the Board's findings before launching the interservice consultation.

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