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Electronic Communications Networks and Services

**Radio Spectrum Policy Group**

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## **RADIO SPECTRUM POLICY GROUP**

**Subject: Chairman's Report of RSPG#36 on 19 February 2015**

**RSPG #36**  
**Brussels, 19 February 2015**

Chairman's Report

**(1) Introduction to RSPG #36**

The RSPG Chairman, **Mr Gilles Brégant (ANFR, France)**, assisted by **RSPG Deputy Chairman, Mr Finn Petersen (DBA, Denmark)**, opened the meeting.

The European Commission was represented by **Mr Roberto Viola, Deputy Director General and Anthony Whelan, Director for Electronic Communications Networks and Services, DG CONNECT**.

**(2) Update on Commission Initiatives**

Roberto Viola confirmed that the Commission expected that the TSM would be completed, with the inclusion of spectrum provisions, by June. It was also the intention of the Commission to finalise a proposal for the Digital Single Market before the June European Council. In conjunction with this, the Commission will analyse the status of the telecom framework to determine what changes are needed (in line with the REFIT principles). This would imply a public consultation and an interaction with the Member States, involving an important role for both the RSPG and for BEREC. While the issue of a second RSPG would also have to be considered, the priority was to conclude the negotiations on the TSM. In this context, the Commission would continue to insist that spectrum is part of any final outcome, a priority confirmed by the European Council.

**(3) Preparation of the World Radio Conference (WRC-15)**

**The Rapporteur, Mr Rainer Wegner** (German Ministry of Economic Affairs and Energy), presented the progress report and introduced the draft Opinion.

Mr Wegner highlighted that the public consultation had received 46 responses, not just from the traditional stakeholders. Most of these were supportive of the RSPG approach. WRC-15 agenda item 1.1, 1.2 and 1.3 had been the major subjects of interest, together with agenda item 10 (on the agenda for future conferences). Following the close of the public consultation, the working group had held a final meeting. At this there had been further contributions from some Member States.

**RSPG Members** held a short discussion on the role of the 470-694 MHz band and decided to retain the draft text. One member requested and got support for a minor amendment to the text of Agenda Item 1.10, to protect all existing services and not only radio-astronomy. Some members stressed that the process should be limited to a Commission communication and Council conclusions in line with Article 10.1 (b) of the Radio Spectrum Policy Programme in order not to upend the negotiating system this close to the conference.

**The Commission representative** commented that the draft Opinion provided a strong technical position on the subjects of the conference and expressed full support for that part of the text. He was surprised at the elements of the Opinion that tried to pre-empt the inter-institutional process by clarifying the text of the Treaties, as this was outside

the remit of RSPG. In consequence he made a statement to the minutes as follows: *The Commission would not be able to take account of the part of the opinion that suggested an interpretation of EU law.*

He expressed confidence that a strong European voice would be heard at the conference and that a pragmatic and realistic solution will be found.

**The RSPG Deputy Chairman** stressed the importance of working close together in order to fulfil the Common Policy Objectives and the need to clarify the respective roles of the Commission and the Member States well before the conference. He thanked the Working Group for the excellent work and proposed to adopt the draft Opinion, with the minor amendment proposed.

The revised draft Opinion was adopted unanimously.

#### **(4) Long-term strategy on the future of the UHF band**

**The Rapporteur, Ms Luísa Mendes** (ANACOM, Portugal) presented the last progress report and introduced the draft Opinion for adoption.

She noted that the outcome of the public consultation has not led to substantial changes and that the most sensitive topic concerning the deadline for effective use of the 700 MHz band has been resolved. The priority deadline is set to be the end of 2020 while Member States with severe problems with releasing the band may postpone it without derogation by two years (i.e. end of 2022). Also cross-border issues with non-EU countries have been taken into account by recommending that affected Member States are exempted from this deadline. She stressed the advantage of having a lead time of up to 7 years available for planning the transition, which should be utilised.

**RSPG Members** commented on the draft Opinion. The need for more flexibility in the deadline of releasing the 700 MHz band was raised and its relation to the schedule for migrating to new broadcasting technologies, the availability of TV receivers on the market and the involvement of the Commission in cross-border coordination issues at the EU's outer borders. The vast majority of administrations welcomed the compromise on the deadline for releasing the 700 MHz band, although a few Member States stressed potential problems with fulfilling the extended deadline of 2022.

**The Commission Representative** underlined that the exemption due to problems with non-EU countries is seen as unlimited in time. Affected Member States should make best efforts and request the assistance of the Union, if necessary. The grounds for postponing the deadline to the end of 2022 would need to be laid down in a future EU law. The Commission would assist in clarifying national compensation issues. He stressed the importance of meeting the recommended deadline of 2017 for cross-border coordination and pointed out that the principle of equitable access to spectrum below 700 MHz must be observed and that this may be reinforced by the Commission's role.

**The RSPG Chairman** noted the need to build momentum for meeting the deadline of 2020 while also making use of financial compensation as indicated in the Opinion. The RSPG may also offer assistance on cross-border coordination in particular cases. He stressed that bilateral cross-border coordination is operational in Europe and there is a convergence of efforts.

A minor amendment to Recommendation 4 was agreed.

The draft Opinion was adopted unanimously.

**(5) Presentation of the PPDR Study**

**The RSPG Chairman** introduced the presentation of the results of the study completed in November 2014 which the Commission had launched in order to examine the potential use of commercial mobile networks for ensuring mission-critical communications in specific sectors. **Mr Simon Forge** (SCF Associates Ltd.) presented final results of the study entitled "**Use of commercial mobile networks and equipment for mission-critical high-speed broadband communications in specific sectors**". Mr Forge emphasised the goal of the Study - to examine the potential role that commercial MNO networks – with associated economies of scale for commercial equipment (including handheld devices for end-users) – could play in ensuring the provision of “mission-critical” high-speed broadband communications in the following sectors in Europe: 1) Public safety, civil protection and disaster relief (PPDR), 2) Utilities – intelligent energy management systems and smart energy grids, 3) Intelligent transport safety and transport management systems (ITS).

RSPG members were given the opportunity to provide comments on the presentation.

The **RSPG Chairman** thanked Mr Forge for his interesting presentation.

**(6) Efficient Awards and Use of Spectrum**

**The Rapporteur, Mr Chris Woolford** (OFCOM, UK) presented a progress report and highlighted key messages resulting from the RSPG/BEREC workshop and the meeting with MNOs organised by the working group. These are related to the role of auctions, the auction formats, the objectives of spectrum authorisation procedures as well as investment certainty and innovation for operators.

**Member States** had no comments.

**The RSPG Deputy Chairman** thanks the Working Group for work done so far and concluded that work had progressed very well.

In the context of this agenda item, **Germany** also presented the decision of the BNetzA on the rules of the upcoming multi-band spectrum auction for mobile broadband including the 700 MHz band. **The German representative** stressed the primacy of achieving national political consensus prior to the decision and pointed to the fruitful cross-border cooperation within the regional fora NEDDIF and WEDDIP. The auction is planned for May/June 2015.

**(7) Wireless Backhaul**

**Mr Peter Gál** (NMHH, Hungary) introduced the progress report and the draft Report.

He pointed in particular to the extreme deployment scenarios under consideration (rural and dense urban environments), as well as technology and licensing considerations.

**RSPG Members** commented on the need for more coherence of definitions of technical parameters and the need to bundle the key messages in an executive summary.

**The Commission Representative** welcomed the progress and stressed the importance of the work item.

**The RSPG Chairman** pointed out that backhaul spectrum has become an increasingly important topic and that the RSPG should provide strategic views. He noted that the draft Report will be submitted for public consultation or adoption (to be decided) to the next RSPG plenary in June 2015.

#### **(8) RSPP review**

**Mr Fokko Bos (Ministry of Economic Affairs, the Netherlands) and Mr Didier Chauveau (ANFR, France)** provided updates as Co-Rapporteurs of the Working Group. The WG had reviewed the RSPP article by article and agreed to maintain a working document to support the drafting of the Opinion where appropriate. This working document will be updated at the next meetings.

The WG also identified topics to be further developed and strategic issues such as 5G, harmonization, sharing and the role of the RSPG. Coverage obligation issues were also discussed. The WG identified the need for clarification of the future legal status of the next RSPP. The co-rapporteurs noted the link between the RSPP and the review of telecomms package. The draft preliminary skeleton of the Opinion was introduced and endorsed by the meeting.

For the Commission, Mr Whelan confirmed that the Commission would continue to reflect on the RSPP but, while agreeing on the relationship between the RSPP and framework review, he noted that the framework does not dictate a timeline for review. He welcomed the emphasis on the increased need for spectrum sharing and underlined that the current approach in the EU is flexible. There was a need to have the view of the RSPG on priorities for harmonisation and he agreed that the role of RSPG itself was an important element in the review of the RSPP. He noted that PMSE seemed to have disappeared from the list of priority issues, but the co-rapporteur, Mr Chauveau, confirmed that it was still on the agenda for further study.

**The RSPG Deputy Chairman** thanked the Working Group for work done so far and indicated that he is looking forward to further discussions in the next RSPG meeting.

#### **(9) Bilateral Coordination**

The **Rapporteur, Mr Eric Fournier (ANFR, France)** introduced a progress report of the working group summing up the ongoing cases addressed by the RSPG "good-offices", in particular providing on the one hand an update on Italy-Malta (as well as with regard to other MS who suffer from TV interference originating in IT), and, on the other hand, an introduction to the question of FM interference caused by Italian broadcasters.

Regarding Italian TV broadcasters, and sources of interference, he reported on the compensation scheme that has been being introduced by Italy with a view to obtain the switch-off of the relevant transmitters. However, the switch-off will be delayed until April 2015, due to the need to provide for a sufficient compensation budget.

On the question of FM interference caused by Italy, the **Rapporteur** informed the Group on the recurring and numerous complaints voiced by IT's neighbouring countries.

The Rapporteur also informed the Group regarding the progress of bilateral negotiations between Malta and Tunisia,.

**The Commission representative** took note of the progress of these issues and thanked the Rapporteur.

**The RSPG Deputy Chairman** confirmed the need for fast results. He then thanked the Rapporteur for the excellent work and concluded the agenda item.

**(10) Commission activities related to radio spectrum policy**

The Commission's written report was noted without discussion.

**(11) Administrative/organisational matters**

As no further comments on the input documents were made the **list of documents are considered as approved** eligible for **public access**.

The **next RSPG meeting** (RSPG#37) will take place in Brussels on **Thursday 11 June 2015**.

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