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Directorate-General for Communications Networks, Content and Technology

Electronic Communications Networks and Services

Radio Spectrum Policy Group

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RSPG18-019 FINAL

RADIO SPECTRUM POLICY GROUP

Progress Report of the RSPG Working Group on the “European Electronic Communications Code”

Progress Report of the RSPG Working Group on “EECC”

The RSPG WG launched its activities with a kick-off meeting on 9 May (Budapest - Hungary). This meeting has been attended by 9 Member States representatives and the European Commission. An ad-hoc mailing list is in place and interested Member States are invited to contact the co-rapporteurs to subscribe and to join it.

1. Preliminary analysis : Impact on the role of RSPG

The work has been launched on the basis of the Work Item adopted by the last RSPG and published in February 2018 and of the current policy agreement at “trilogue” level on the spectrum part of the future EECC.

The first preliminary analysis reviewed the various relevant articles in relation with RSPG activities and revealed that

- Some current tasks will remain unchanged
- Several current activities/tasks will be consolidated and formalized by the EECC
- Several new tasks/activities are going to be assigned to RSPG beyond its current framework
- The EECC will provide a “tool box” to implement various objectives of the EECC dealing with spectrum issues

It has been noted that the current description of the ‘peer review’ in the EECC needs to be further analysed in order to assess the legal and practical impacts on the current voluntary “peer review” already in place within RSPG.

Concerning the “good offices”, the current process is expected to be formalized by the EECC. Any addition to the current process needs to be further analysed.

In view of BEREC’s recognised competence on market regulation and competition issues, the EECC will request RSPG to cooperate with BEREC to this end. This will be taken into consideration in the analysis of relevant articles in order to assess areas of common interests with BEREC and cooperation needs. The WG notes that various forms of cooperation have been implemented in the past: common workshops, common deliverables.

The WG will monitor the final process of the EECC negotiation, in particular the debate on legal basis establishing RSPG, and intends to base its future activity on the final policy agreement on the overall EECC.

2. RSPG rules of procedure

The WG noted that the current RSPG rules of procedure (RoP)¹ have been adopted in 2012 further to the last update of the EC Decision establishing the RSPG².

The WG will assess the need to update the RoP further to the analysis on the impact to RSPG.

3. RSPP

The WG did not start yet the analysis of the impact of the EECC on the RSPP published in 2013. It has nevertheless been noted that this Council and European Parliament Decision is without prejudice to Union law and to measures taken at national level, in compliance with Union law.

4. Next Steps

The next meetings will take place on the 18/06/18 (Brussels – B), 30/08/18 (Maisons Alfort – F), 13/09/18 (Bonn-GER) (to be confirmed), 6/11/18 (Budapest – H).

Proposed course of actions

The RSPG Plenary Meeting #46 is invited:

- to note the progress report
- to endorse the Work Plan attached and the time-schedule for deliverable(s)

Emilia Ulelay, Sören Nübel, Didier Chauveau
Co-rapporteurs

¹ See http://rspg-spectrum.eu/wp-content/uploads/2013/11/rules_of_procedure_1_jan_2012.pdf

² See Decision 2002/622/EC establishing the Radio Spectrum Policy Group as amended by Decision 2009/978/EC (‘RSPG Decision’)

ANNEX

RSPG work item: to Plenary	
Work item	European Electronic Communications Code, EECC
Rapporteur/s	<i>Emilia Ulelay, NMHH National Media and Infocommunications Authority, Hungary Soeren Nuebel, BMVI Bundesministerium für Verkehr und digitale Infrastruktur, Germany Didier Chauveau, ANFR, Agence Nationale Des Fréquences, France</i>
Rationale	<i>The European Commission proposed in 2016 an overhaul of the regulatory framework, to be called the European Electronic Communications Code (EECC). Among the proposals were new rules on spectrum co-ordination, authorisation regimes and assignments. New roles for the RSPG were also proposed. EECC is under negotiation with Council and EP before adoption.</i>
Scope	<i>In view of the progress and the soon expected finalisation of the negotiations on the EECC, which have led to a provisional agreement of the co-legislators on the radio spectrum chapter the RSPG will initiate work that anticipates the new framework and any new responsibilities for RSPG, in order to scope and plan the following tasks. This will be an opportunity for RSPG to consider how it can most effectively operate and deliver appropriate advice on spectrum policy issues within the framework of the new EECC. As the EECC moves closer to implementation phase in Member States, the RSPG will consider whether to</i> <ul style="list-style-type: none"> <i>• develop new RSPG work items in response to the final outcome, in a revised Work Programme;</i> <i>• Commence any new work designed to deliver any new, programmatic responsibilities of the RSPG;</i> <i>• Assess any impact on the current RSPP due to the new regulatory framework for electronic communications and make relevant recommendations;</i> <i>• Identify areas of joint interest/responsibilities with BEREC and initiate common actions as necessary;</i> <i>• Review the current Rules of Procedure (RoP) as well as the structure and working methods of the RSPG and adapt them accordingly, if necessary.</i> <i>This activity will take into consideration other on-going RSPG activities “Good Offices” and “Peer review”</i>
Planned deliverables and timing	<i>The results of the working group shall be presented to the RSPG (in the form of reports and/or opinions) for consideration and possible adoption. The nature of this work item will depend on the outcome of the current legislative negotiations under final phase, and specific deliverables will be proposed in response to developments in those negotiations. The draft analysis of EECC spectrum related issues and proposed updates on RoP will be ready RSPG October meeting. If needed, the working group will suggest also by October amendments of the EC Decision establishing RSPG.</i>

Analytical approach	<i>This Work item reacts to EECC spectrum related issues in close connection with RSPG and RSPP. This Work item ensures that proper explanations are provided to Policy makers when appropriate. This work item took into account relevant RSPG deliverables developed during the last years.</i>
Project plan	2 Steps approaches 1. Analysis of EECC Spectrum related articles 2. Advice on modification of related document as appropriate e.g. RSPG RoP
Dependencies	<i>EECC publication in the OJ</i>

Members, stakeholders and resources

Members	<i>Franz Ziegelwanger BMVIT Austria Peter Moran An Coimisiún um Rialáil Cumarsáide Commission for Communications Regulation Ireland Christian Rosenskjold Centre for Telecoms Denmark Fokko Bos Information-Infrastructure, Ministry of Economic Affairs Agriculture and Innovation, The Netherlands Peggy Haase PTS Sweden Thomas Ewers BNetzA Germany Maria J. Lacerda ANACOM Portugal Paul Lippens de Cerf European Commission DG CONNECT Mike Sharpe ETSI To be confirmed</i>
Key stakeholders	<i>List</i>
Other resources	<i>If applicable</i>

Work flow (internal and external milestones)

Date	Action / deliverable	Internal Work group only	External Plenary, Publication
Year 2018			
9 May	First meeting of work group – discuss scope and plan	Work group	n/a
15 May	Fifth RSPG Stakeholder Workshop – Introduction of the WI	Rapporteurs	Stakeholder Workshop
5 June	RSPG#46 Plenary Meeting - Information to Plenary	Rapporteurs	Plenary
18 June (Brussels)	Second meeting of work group – discuss feedback from Plenary and start the analysis	Work group	n/a
tbc 30 August (Maisons Alfort)	Third meeting of work group – analysis	Work group	n/a
tbc 13 September (Bonn)	Fourth meeting of work group – analysis	Work group	n/a
3 October	RSPG#47 Plenary Meeting - Draft Report/Opinion presented to Plenary	Rapporteur	Plenary

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Date	Action / deliverable	Internal Work group only	External Plenary, Publication
6 November Budapest	Fifth meeting of work group	Work group	n/a
November 28 Budapest	Sixth RSPG Stakeholder Workshop	Work group	Publication
2019			
January (date TBC)	Sixth meeting of work group – discuss feedback from Plenary and final drafting	Work group	n/a
January (date TBC)	Report/Opinion presented to Plenary	Rapporteur	Plenary
March (date TBC)	Publication	Work group	Publication
Future dates and actions to be decided in light of agreed work plan			