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**RADIO SPECTRUM POLICY GROUP**

**15<sup>th</sup> Progress Report of the RSPG Working Group  
on cross-border coordination**

## 15<sup>th</sup> Progress Report of the RSPG Working Group on cross-border coordination

The Working Group has held one meeting, 9<sup>th</sup> May in Maisons-Alfort. The report of this meeting is attached in annex.

### TV and FM interference

With regard to TV interference, the working group is continuing to monitor the Italian interference situation. The effective switch-off of the TV transmitters covered by the Decreto Legge n°145 has been, once again, confirmed by the neighbouring administrations, although Croatia measurements showed that there is a certain level of remaining interference from transmitters outside the switch-off zone. Also, there are interference cases on channels not currently in operation and therefore not covered by the Decreto-Legge n°145, but which are necessary for neighbouring administrations to release the 700 MHz band and to implement new DTT services.

With regard to FM interference, the Working Group discussed the exchange of letters between Ph.Marnick and A.Giacomelli. Italy repeated that they want more balanced rights at the border with Slovenia, while Slovenia repeated they will not accept to abandon rights if Italy does not make the necessary steps to be able to enforce the results of such negotiation. Therefore, **the deadlock situation remains and the working group concluded that, as outlined in the letter from the RSPG Chairman, Italy should take initial steps in modifying the law to ensure more enforcement power and to request AGCOM to develop an FM plan.** The working group also suggested that Croatian and Slovenian administrations could write at the highest possible level to clarify the need for Italy to take these initial steps.

### Decision of the EP and Council on the band 470-790 MHz

The working group would like to stress to RSPG members that the EU decision obliges **all EU Member States to sign formal and binding cross-border coordination agreements** (ie, not mere declaration of principles nor gentlemen's agreements) with concerned administrations regarding cross-border coordination for TV migration below 694 MHz before 31<sup>st</sup> December. It is understood that failing to do this may result in an EU infringement procedure.

Therefore, **Member states are strongly recommended:**

- In case there is a difficulty in reaching agreement with another EU Member state before end of 2017, to call for the application of the RSPG Good Offices
- In case there is a difficulty in reaching agreement with a third country before end of 2017, to invoke the RSPG article 10.2 (EU assistance in bilateral negotiations).

In both cases, **the formal request is to be addressed through an official letter;** in the first case to RSPG (either via the RSPG secretariat or directly to the RSPG WG on Good offices), in the second case to the European Commission.

Signing cross-border agreements does not always imply that the date of end of migration is finally decided, since it will also depend on various national plans. In case it is expected that there may be a significant discrepancy between the dates (e.g. more than 2 years), **it is recommended to negotiate transitional arrangement with concerned countries**, as part of the cross-border coordination agreement, so as to make usable the 700 MHz band for MFCN.

Several cases where such transition plans would be necessary have been identified:

- Around Italy: Italy has announced that they intend to free up in priority (2020/2021) the uplink channels, ie in advance of the end of migration planned in 2022.
- Between France and Spain
- With countries outside EU, depending on their timelines : Russian Federation / Belarus, Balkan countries

### **Review of the progress in cross-border negotiation making available the 700 MHz band**

The Working Group has considered the responses to the questionnaire *on cross-border coordination issues regarding 700 MHz spectrum clearance and migration of broadcasting service below 694 MHz*.

25 EU Member States have responded to the second questionnaire, 5 of them to indicate no change in the responses. 3 non-EU countries (Norway, Serbia, Switzerland) have responded. In the case of no response, it was assumed no change in the previous responses. The results of the questionnaire are summarized in a separate powerpoint document.

The working group had reports from main regional groups, ie WEDDIP, NEDDIF, SEDDIF and the Adriatic group showing good indications that the coordination agreements could be signed before the deadline of 31<sup>st</sup> December.

Several responses to the questionnaire were mentioning a potential need either to request the application of the good offices or to invoke the EU assistance for negotiation with third countries.

After, a review of the situation, the working group found necessary to invoke as early as possible the EU assistance (Art.10.2 RSPP) regarding two countries:

- Turkey (vs Cyprus)
- Russian Federation (vs Baltic countries and Poland)

**The concerned administrations are invited to write officially to the European Commission to request such assistance.**

Regarding the application of the good offices, several respondents (Croatia, Slovenia) were mentioning potential needs regarding negotiation with Italy. However, the negotiations are now well in place.

On the other hand, a potential intra-EU difficulty was identified between Romania and Hungary, with contradicting responses to the questionnaire. **Romanian representatives will attend the next SEDDIF meeting and the misunderstanding may be hopefully solved. The working group will follow closely the situation.**

The Good Offices Working Group is wishing **to reissue the questionnaire for responses before 15<sup>th</sup> September**. The questions will remain unchanged, so that each country will only be required to modify the responses to reflect the progress achieved in the meantime. A cover note will provide additional guidance, **including the need to highlight the changes to the**

**responses through relevant means (ie, revision mark or highlighting the modified text) in order to simplify the treatment of the responses.**

**Next meeting**

A full meeting is planned on 5<sup>th</sup> October in Budapest.

REPORT  
RSPG WORKING GROUP  
« GOOD OFFICES »  
Maisons-Alfort, 9<sup>th</sup> May 2017

**1. Situation on interference around Italy**

**Remaining issues (except FM band)**

**Malta** reported that based on the results of regular measurements, it confirms that its GE06 television channels are currently free from any Italian interference and that this situation has been stable for the past few months.

However, Malta reported that the interference in the 800 MHz band caused by Italian mobile operators is still being experienced.

Italy indicated that the Ministry had a meeting with the mobile operators, requesting to reducing the emission levels towards Malta. This was apparently not sufficient and the Italian Ministry was requested to ensure that the Italian mobile operators causing this interference will effectively reduce the power (antenna tilting) in the direction of Malta and **to inform Malta and the RSPG good offices about its course of action.**

**Croatia** reported that it has performed additional measurements (24-28 April 2017) on several locations on Adriatic coast and confirmed that the process of TV interference removal from Italy is effective to some extent. Measured interference levels on some of the channels switched off according to Decreto-Legge n°145 and Italian switch off plan are up to 50 dB $\mu$ V/m.

This corresponds to interference to D5 (related to FVG, Veneto and Emilia R) on channel 39, interference to D7 (related to Molise, Puglia) on channel 21 and interference to D8 (related to Molise, Puglia) on channel 41.

The WG requested Croatia to provide rapidly to Italy the bearing and transmitter ID so as to enable the Italian administration to analyse the source of interference.

Above all, harmful interference on many Croatian coordinated TV channels is still present. For example, Channel 57 operated in Croatian digital region D5 and which is not part of Decreto-Legge n°145 and Italian switch off plan, still remains a significant problem for Croatia. The working group on good offices asked for Italian cooperation in resolving this case.

Croatia reminded that interference from Italian transmitters on channels not covered by Decreto-Legge n°145 and Italian switch off plan, which are Croatian coordinated channels but currently not in operation, prevents Croatia in timely releasing 700MHz and refarming of the DTT services below 694MHz, as well as to implement new DTT services. This is in particular the case for TV channels: 23, 29, 34, 41, 43, 46.

Croatia presented the results of measurement for those channels, showing interference levels from 50dBuV/m up to 80dBuV/m.

Croatia sent an email with the following measurements relating to TV channels in operation in Croatia to be switched off in Italy according to Decreto-Legge n°145, but still in operation:

Channel	MHz	Italian signal - channel not from GE06 (dBuV/m)	Bearing	CellID	Measurement location (name)	Measurement location GPS (WGS)	Comment
39	618	50,1	220	0	Buznija	013E3517 45N2024	D5
39	618	50,1	240	0	Vrsar	013E3735 45N0926	D5
41	634	48	195	0	Trstenik(Pelješac)	017E2428 42N5516	D8
21	474	48	235	0	Doli	017E4924 42N4812	D7

Italy indicated that the interference reported by Croatia were unknown and immediately the local offices will be alerted to investigate on the source of those harmful signals

**Italy is requested to send to the RSPG WG before the end of May the results of such analysis** in order to understand the source of the difficulty: unauthorized transmission or transmitter outside the buffer zone?

Croatia repeated its kind request to Italy to send to them the list of transmitters by region, with additional data (Name / Location (GPS coordinates) / No of channel /Network Id/ Id of programme), which have been switched-off or moved to another channel, in order to facilitate monitoring the results of the process. The documents are publicly available and will be forwarded by the Italian ministry to Croatia.

**France** stated that they are satisfied for the time being with the interference situation. They indicated that some French channels will be switched-on in October/November 2017 to allow the release of the 700 MHz. Their intention is to discuss with Italy so as to ensure that these channels are effectively interference-free.

**Slovenia** indicated that there is no more interference on the channels which had been switched-off by Italy through the application of the Decretto-Legge but that there are still remaining interferences from a national MUX and in Slovenian channels not actually used by Slovenia.

Italy stated that the remaining interference caused by the channels not covered by the decreto legge 145 will be solved with the re-planning of the band below 694 MHz.

### Interference in the FM band

The RSPG WG discussed the exchange of letters between Ph.Marnick and A.Giacomelli.

Italy insisted on the need to achieve more balanced rights for FM at the border (348 frequencies have been registered by SVN in GE84 and only 194 have been registered by Italy).

Slovenia reminded that they are open for negotiation but did not accept to abandon rights if Italy does not make the necessary steps to be able to enforce the results of such negotiation.

The RSPG WG concluded that it will be necessary for such cross-border negotiation to be carried out in parallel with the development of an FM plan by AGCOM. **It is therefore necessary, as outlined in the letter from the RSPG Chairman, that Italy takes initial steps in modifying the law to ensure more enforcement power and the request to AGCOM for developing a plan.**

It is suggested that Croatian and Slovenian administrations could write at the highest possible level to clarify the need for Italy to take these initial steps.

### 2. Decision of the EP and Council on the band 470-790 MHz

The Commission expects a publication of the Decision in the Official Journal by 30<sup>th</sup> of May.

The 700 MHz Decision, art.1(2) provides that "in order to allow the use of the 700 MHz frequency band (...), Member States shall, by 31 December 2017, conclude all the necessary cross-border frequency-coordination agreements within the Union".

The Commission underlined that, although this deadline is legally applicable only in the EU, Member States should consider the complimentary external dimension. This deadline imposes on Member States to act swiftly. In any event, Member States are under an additional obligation to adopt and publish their national roadmap before July 2018 (see Art.5).

More precisely, Member States are invited to identify and express their problems in terms of coordination, with other EU countries or with third countries, to the RSPG Good Offices Working Group, at the earliest stage. The Commission is asking the working group to secure, for each Member State:

- a - Their plan (with each of their neighbours)
- b- Their perception of any specific problem they may already have or even anticipate
- c- Their proposed solutions: with the possibility to identify best practices.

Furthermore, the services of the Commission emphasised that those Member States which will not have taken steps, in earnest, to negotiate with neighbours (this includes, for negotiation with third countries, invoking Article 10.2 of the RSPP, which

allows a Member State to request the EU assistance) in due time, will be considered as not have taken 'all practicable efforts' to minimise the duration and scope of unresolved coordination. As a consequence to this, the Commission would ensue an EU Pilot procedure against those Member States. To assess the merits of this procedure, the following two criteria will be taken into account by the Commission: willingness to enter into constructive cooperation in RSPG good offices and availability to discuss/resolve cross-border coordination issues, both with Member States and third countries, before the end of 2017.

Therefore, the RSPG WG on Good Offices stressed that the EU decision obliges all EU Member States to sign formal and binding cross-border coordination agreements (ie, not mere declaration of principles nor gentlemen's agreements) with concerned administrations regarding cross-border coordination for TV migration below 694 MHz. It is understood that failing to do this may result in an EU infringement procedure.

EU Member states are strongly recommended:

- In case there is a difficulty in reaching agreement with another EU Member state before end of 2017, to call for the application of the RSPG Good Offices
- In case there is a difficulty in reaching agreement with a third country before end of 2017, to invoke the RSPG article 10.2 (EU assistance in bilateral negotiations).

In both cases, the formal request is to be addressed through an official letter; in the first case to RSPG (either via the RSPG secretariat or directly to the RSPG WG on Good offices), in the second case to the European Commission.

It is noted that signing cross-border agreements does not always imply that the date of end of migration is finally decided, since it will also depend on various national plans. In case it is expected that there may be a significant discrepancy between the dates (e.g. more than 2 years), it is recommended to negotiate transitional arrangement with concerned countries, as part of the cross-border coordination agreement, so as to make usable the 700 MHz band for MFCN.

### **3. Coordination activity within regional groups**

**WEDDIP** (Belgium, France, Germany, Ireland, Luxembourg, the Netherlands, Switzerland and the United Kingdom)

The WEDDIP representative reported the establishment and signature of the DTT frequency plan for the WEDDIP countries on the 29<sup>th</sup> of April 2016. The current activities are aiming at facilitating the negotiation for the establishment of bilateral agreements implementing the WEDDIP DTT frequency plan and the associated transition period, which are expected to be signed by the end of this year, in conformity with the EU Decision.

**NEDDIF** (Austria, Belarus, Bulgaria, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovak Republic, Sweden and Ukraine)

The NEDDIF representative hopes that NEDDIF will conclude on a regional frequency and network implementation plan by the end of 2017. However, difficulties are unresolved with Russia, which did not accept the proposal to use the 700 MHz duplex gap channels and does not seem to wish a rapid outcome in the negotiation. Belarus showed good willingness but are also very much dependent on the negotiation with Russia. There is a risk of dominos effect for Baltic area. Nevertheless, Estonia is already introducing MFCN in western part of the country

**SEDDIF** (Austria, Bosnia and Herzegovina, Bulgaria, Croatia, FYR of Macedonia, Greece, Hungary, Montenegro, Serbia, Slovenia, Turkey, Ukraine (observer)). Romania will come to the next meeting.

The SEDDIF representative stated that there is a good progress in the negotiation. The intention is to sign agreement within SEDDIF on assignment characteristics. The SEDDIF countries have achieved good progress in finalization of the allotment plan which now can be considered quite stable. In parallel the discussions started on the assignment parameters. It is noted that there are good progress with non EU countries as well.

#### **Adriatic area**

Italy informed about the good progress during the last meeting held in Rome in March concerning the negotiation in this area and their expectation to complete signatures before 31<sup>st</sup> December, at least with EU countries.

#### **4. Review of the responses to the questionnaire on the 700 MHz band**

The results of the questionnaire were presented by M.Zilinskas. Few corrections were agreed, in particular to take into account new progress in the negotiation. Modified maps will be presented to the RSPG Plenary.

#### **Discussions on “hot areas”**

Given the significant progress made within SEDDIF, the main “hot areas” are related to **countries outside EU**.

In two cases, it seems necessary to invoke as early as possible the EU assistance (Art.10.2 RSPP):

- Turkey (vs Cyprus)
- Russian Federation (vs Baltic countries and Poland)

**The concerned administrations are invited to write officially to the European Commission to request such assistance.**

It was noted that some other areas may require at a later stage some EU assistance and the good offices will carefully monitor the situation:

- North Africa : coordination is taking place between Malta/Italy and Tunisia and this country is wishing to introduce mobile in the 700 MHz band. However,

discussions are very preliminary with Libya and have not started yet between Italy and Algeria

- Middle east (vs Cyprus)
- Balkan area (ie, Albania, Bosnia-Herzegovina).

Regarding **the application of the good offices**, several respondents (HR, SI) were mentioning potential needs regarding negotiation with Italy. However, the negotiations are now well in place.

There is contradiction in responses to question 7 of the questionnaire between the answer of Romania and the effected countries. **Romanian representatives will attend the next SEDDIF meeting and the misunderstanding may be hopefully solved. The RSPG WG will follow closely the situation.**

### **Transition plans**

The RSPG WG considered that such transition plans, aiming to avoid in the transition period the 700 MHz uplink channels (50 to 53), are necessary when the discrepancy between the date of the end of migration in one country and the date of authorization/deployment in the other country exceeds 2 years. It applies in the case of coordination between EU countries as well as in the case of coordination with countries outside EU.

Several cases where such transition plans would be necessary have been identified :

- Around Italy: Italy has announced that they intend to free up in priority (2020/2021) the uplink channels, ie in advance of the end of migration planned in 2022.
- Between France and Spain
- With countries outside EU, depending on their timelines : Russian Federation / Belarus, Balkan countries

### **5. 3<sup>rd</sup> release of the questionnaire**

The RSPG WG decided to issue the questionnaire for a new update immediately after the RSPG Plenary for responses until 15<sup>th</sup> September.

The consequences of the EU Decision in terms of potential EU pilot will be put upfront in order to ensure that concerned EU countries will take necessary actions in terms of requests for the good offices or for EU assistance.

Member states will be requested to highlight the changes to the responses through relevant means (ie, revision mark, highlighting) in order to simplify the treatment of the responses

### **6. Next meeting**

The next meeting will take place on 5<sup>th</sup> October in Budapest.