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RADIO SPECTRUM POLICY GROUP

5th Progress Report of the RSPG Working Group

on cross-border coordination

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The Working Group has held meetings during the RPSG meeting (12th November) and RSCOM meeting (11th December), for all cases except Belgium-German case, and during the WEDDIP meeting (9th December), limited to the Belgium-German case.

The report of the last meetings of the group is attached in Annex. The summarized situation is as follows:

- 1) Italy-Malta:
 - The three channels which were used by Italian national MUX are now free of interference.
 - The interference level on the three channels used by Italian regional MUX has improved, although not completely free of interference.
 - Channel 43 has been agreed as a replacement for channel 66 and a timeline has been defined for ensuring that this channel will be available before the time limitation of the Maltese derogation for the 800 MHz band.
- 2) Italy-France: The remaining cases of interference were not addressed during this meeting
- 3) Italy-Slovenia: In response to the request from Slovenian administration presented in RSPG, the group has started investigated this new case for “good-offices”. Steps have been defined to ensure the protection of the 3 channels currently operated by Slovenia and to identify other channels which could be made free of interference and authorized in a near future in Slovenia.
- 4) Germany-Belgium: there is no progress on the blocking issue, ie whether the agreement would be limited the situation until 2017. The “good offices” chairman offered a solution where an article in the agreement would state that both administrations agree to enter into a new negotiation phase in order to have a new agreement in 2016 at the latest defining the situation beyond 2017.

Next meeting

Ad-hoc meeting of the RSPG WG on cross-border coordination is planned during lunch time of this RSPG meeting.

ANNEX

**REPORT FROM THE AD-HOC MEETINGS
OF THE RSPG WG ON CROSS BORDER COORDINATION
9th December 2013 (Maisons-Alfort)
11th December 2013 (Brussels)**

1. Review of actions on VHF/UHF broadcasting band interference from Italy to Malta:

The meeting reviewed the situation for all channels:

Channels used by Italian national MUX

Italy reported that the two remaining channels 38 and 56 may not have been completely switched off since the ministry issued the instruction to the broadcaster two days ago only and that they have 30 days to apply it.

However, Malta reported the last measurement results showing an improved situation with a remaining interference of about 40 dB μ V/m.

Action point Malta: To check with measurement the complete switch off of channels 56 and 38 and to report beginning January to the WG “good offices” Chairman.

Channel 58 and 60 are remaining free of interference.

Channels used by Italian regional MUX

Malta reported the last measurement results showing significant improvement on channels 28 (43 dB μ V/m), 31 (37 dB μ V/m) and 45 (38 dB μ V/m).

Italy explained that the ministry had issued instructions to the 10 concerned regional networks but that only 6 had answered positively. The ministry regional office is investigating the situation for the 4 remaining networks.

Italy further explained that the instructions were on the basis of strong reductions of eirp towards Malta, which could only be achieved by switching off the antenna panel in the direction of Malta.

It is unclear yet whether the remaining interference is due to the 4 networks not having responded.

It was also pointed out that there is a risk that, later, some regional stations could switched on again the antenna panel in the direction of Malta, noting that it will be extremely difficult to identify rapidly the station not respecting the instruction. This could lead again to an “unstable” situation.

Action point Italy: to inform the group as early as possible about the investigation led by regional offices

Action point Malta: to continue measurements and inform the group at its next meeting

Replacement of channel 66

Malta just sent the request for agreement, under GE-06, for a new right for Malta in channel 43. Italy indicated that the agreement will be given in a short time.

The timeline for ensuring Malta would comply with the time limitation of its derogation for the 800 MHz was reviewed as follows:

- **Italy (AGCOM) shall launch as soon as possible the public consultation about the new local planning (ie, without channel 43 in the southern part of Sicilia) fully protecting Malta. This plan shall be presented to the AGCOM board end of January. Italy shall immediately inform Malta and the “good offices” chairman about this approval.**
- **Immediately following the AGCOM approval of the new plan, Italy (ministry) should issue instructions that local broadcasters will have 30 days to apply. Italy shall immediately inform Malta and the “good offices” chairman about the sending of the letter to the regional broadcasters**
- **Malta shall start as early as possible the GE-06 procedure with other neighbouring administrations, taking into account the 75 days in GE-06 procedure for responding to a request**
- **Malta shall monitor the situation and report at the “good offices” meeting during March RSCOM meeting on whether channel 43 is free of interference.**

2. Review of actions on VHF/UHF broadcasting band interference from Italy to France:

This case was not addressed at this meeting.

3. Slovenia-Italy cross-border issue

Slovenia explained that they are receiving strong interferences from Italy in FM broadcasting bands and in TV bands, and that, in spite of many bilateral coordination meetings, the situations has not improved.

Concerning UHF TV, GE06 agreement has given 25 channels to Italy and San Marino and 24 to SVN, HRV, MNE and ALB.

The meeting reviewed the situation in channels currently operated by Slovenia, where Slovenia indicated priority.

Channel 22: Italy informed the meeting that letters were sent to 3 regional broadcasters (Canale 6, Teleregione and TVM) instructing them to apply AGCOM constraints, by the 31st of December 2013, to protect Slovenia by specifying maximum interfering field strength in Slovenia (step 1). If this is not correctly applied by broadcasters, the ministry will require complete switch off of the sites (step 2).

Action Point Slovenia: to carry out measurement on Channel 22 after the end of this year,

Action Point Italy: to initiate step 2 in case measurement are showing remaining interferences

Note: A cooperation between Italy and Slovenia may be needed to identify interfering stations (by measuring Cell-ID, bearing, broadcaster names, ecc..).

Channel 34 and 35: These channels are operated by Slovenia and measurements are showing an interfering level up to 85 dB μ V/m.

Action Point Italy: to define by the end of January 2014 actions to protect Slovenia on these two channels and to report to Slovenia and to the “good offices” chairman.

In addition, Slovenia indicated that they wish to be able to authorize further multiplexes within half a year / two years. The group acknowledged that Slovenia could hardly envisage a new authorization procedure with the existing interference situation. Therefore, notwithstanding the need for ensuring equitable access and respecting the coordination agreement, it would be necessary for Italy to clean up in a short timeframe two additional channels among Slovenian GE06 assignments.

Action Point Italy: to identify by end of January the channels which could be made free of interference.

4. Belgium-Germany cross-border issue

The “good offices” chairman presented a summary of the issues at stake in the negotiation between Belgium and Germany:

- Although the distribution of channels at the border, as resulting from the Weddip work, is not questioned, there still no agreement on the exact characteristics of the assignments/allotment.
- Germany is ready to sign an agreement for the situation before 2017 but consider that the situation for beyond 2017 will be completely different and cannot commit to any distribution of channels at that time.

After discussion, the group concluded that the first point is not a blocking one. The main issue is related to an extension of a Belgium allotment on channel 28 which has to take into account the protection of existing German right and network in Koblenz. Germany and Belgium have to carry out further calculations and agree on

characteristics for the new allotment, taking into account existing Belgium rights for the original allotment and the need to provide a reasonable protection to existing German networks.

Action point Belgium and Germany: to carry out further calculations and discuss the exact characteristics of assignment/allotments to be included in the cross-border agreement

Concerning the “beyond 2017” issue, the “good offices” chairman offered a solution where an article in the agreement would state that both administrations agreed to enter into a new negotiation phase in order to have a new agreement in 2016 at the latest defining the situation beyond 2017.

Germany opposed to this proposal and made an alternative proposal as follows:

- *as a first step, in intermediate agreement until 31st January 2017 shall provide detailed information on the new or amended frequency relations between those frequency positions of both Administrations, which result from necessary amendments of GE06 in the context of freeing the 800 MHz bands in both countries.*
- *Such intermediate agreement shall contain a binding commitment to establish a long-term follow-up agreement for the UHF frequency range by the middle of 2016 at latest.*
- *Such intermediate agreement shall also contain a binding provision, that within the common sense of equitable access Belgium is allowed to continue operation of and/or to set up and efficiently operate DTT networks on appropriate frequencies and under economically reasonable conditions, thus providing a solid legal basis for the operation of DTT networks in Belgium.*
- *The new or amended frequency relations between those frequency positions of both Administrations, which result from necessary amendments of GE06 in the context of freeing the 800 MHz bands in both countries, shall be revisited and shall be led to individual agreements.*
- *Wherever possible and efficient, the re-channelling work shall be done with a view to the future situation due to the 700 MHz band as well.*
- *The resulting intermediate agreement shall come into force by December 31st 2014 at latest.*

Belgium expressed disagreement with the German proposal, stating that:

If the intermediate agreement is no longer valid, the only remaining agreement between Belgium and Germany is the GE06 Agreement. A lot of current Belgian allotments cannot be used according to the GE06 Agreement.

Belgium needs a minimum of certainty about the situation from 2017. It is not realistic to say to Belgian operators that they may be obliged to turn off their transmitters in 2017.

So Belgium prefers not mentioning a date from which the agreement is no longer valid. Any future substantial reorganization of the spectrum during the following years may require that the administrations discuss and revise the new agreement. A binding provision as proposed by Germany (that within the common sense of equitable access Belgium is allowed to continue operation of and/or to set up and efficiently operate DTT networks on appropriate frequencies and under economically reasonable conditions), is unclear and can lead to uncertainties.

The issue of “beyond 2017” will be further discussed at the next “good offices” meeting. Germany and Belgium are invited to continue discussions in the meantime and find a satisfying compromise.

Next meeting

Ad-hoc meetings of the RSPG WG on cross-border coordination will be organized during the RSPG meeting on 19th February 2014, lunch time. It will address all cases.