EUROPEAN COMMISSION
Directorate-General for Communications Networks, Content and Technology

Electronic Communications Networks and Services
Radio Spectrum Policy Group
RSPG Secretariat

Brussels, 08 June 2016
DG CNECT/B4/RSPG Secretariat

RSPG16-023 FINAL

RADIO SPECTRUM POLICY GROUP

1st Progress Report of the RSPG Working Group
on the Spectrum aspects of the Digital Single Market

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RSPG at its Meeting #39 (Brussels, 24 February 2016) established a Working Group on the Spectrum aspects of the Digital Single Market (DSM). This Working Group is tasked to consider spectrum-related technological and policy issues, seeking inputs from industry, academic and other stakeholders, from the point of view of the European Market; to develop strategic advice to the European Commission on spectrum issues, including the development of an approach to spectrum management which supports the DSM and meets the needs of the European market; and to collaborate as appropriate with BEREC on spectrum issues in relation to the Digital Single Market, looking beyond the Framework Review.

The RSPG Working Group (WG) on the Spectrum aspects of the Digital Single Market met on 19th May 2016 in the afternoon at the kind invitation of OFCOM in London/UK. This meeting took to place in conjunction with the RSPG WG 'telecoms Framework Review' which met in the morning of the same day. This approach ensured an efficient process and reduced the travel expenses of the experts.

Two main issues have been considered.

1. Peer Review

The WG received two contributions, from UK and Germany. Both input documents build on the RSPG Opinions on "DSM and the Framework Review" and "RSPP Review" that include consideration of an enhanced role for the RSPG to support EU public policies and their implementation, with the aim to support dissemination of best practices on the implementation of regulatory principles supporting European spectrum harmonisation and on spectrum management, and that this should begin with the work on spectrum awards.

These documents triggered a discussion on how to enhance RSPG in order to respond to DSM strategy under the current framework. It was highlighted that
- sharing of best practices is one of the major mechanisms to efficiently cooperate amongst RSPG members – this should be intensified,

- the Radio Spectrum Policy Programme (RSPP) consists of elements broader than Electronic Communication Services (ECS), which should be taken into account,
- the RSPG "*Peer Review*"
  o is only one element of the evolution of RSPG as mentioned in the previous Opinion published in February,
  o could provide a platform for RSPG members to learn from each other's experiences and to seek support, as appropriate, from peers if facing a challenge in spectrum management relating to ECS,
  o must be voluntary, simple and without putting additional administrative burden to guarantee this tool will be used, to the benefit of all RSPG Members,
  o should cover the preparation of the spectrum award procedures as a starting point, but not be limited to that if successfully implemented in future.

It was decided to develop a proposal for an RSPG Peer Review to be discussed at the RSPG Plenary – this is attached as an **Annex** to this progress report. Outstanding questions include:
  o What resources will be necessary and what will be available?
  o Could/should the RSPG sectretariat provide administrative support?
  o How to avoid excessive burden on particular RSPG members as far as possible

2. RSPG Workshop on strategic coverage issues

Following an exchange of views the WG concluded that it could be beneficial to share experiences about strategic coverage issues amongst RSPG Members States. This could be through an RSPG Workshop. The aim would be to share experiences across administrations regarding strategic coverage issues to meet specific coverage goals and consider lessons learnt.

The next meeting of the WG is scheduled for the 28th of September 2016 (location to be confirmed).

Proposed course of action

The RSPG Plenary Meeting #40 is invited

1. to note this report from the RSPG Working Group on the Spectrum aspects of the Digital Single Market;

2. to discuss the annexed proposal for an RSPG Peer Review and to give guidance to the Working Group as appropriate;

3. to confirm support for the organisation of an RSPG Workshop on strategic Coverage issues.

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Co-rapporteurs

RSPG Peer Review

Proposal for discussion at RSPG Plenary, 8 June 2016

Context

The RSPG Opinion on DSM and the Framework Review (see RSPG 16 – 001) said:
> *The RSPG has already proposed in its review of the RSPP that there could be an enhanced role for the RSPG to support EU public policies and their implementation, with the following benefits… to support dissemination of best practices on the implementation of regulatory principles supporting European spectrum harmonisation and on spectrum management – this has begun with the work on spectrum awards but should not be limited to that (other potential areas include best practice on re-farming, licence renewal, flexible access to spectrum)…*
> *The RSPG is ready to discuss the means to achieve an enhanced role. One possibility is to explore more formal mechanisms to enable member states to test and seek advice from RSPG on matters of spectrum management, including aspects of award and auction design, but potentially other areas too. These mechanisms would remain voluntary but could give a greater assurance of best-practice observance than at present.*

The recommendations in the recent RSPG report on "Efficient Awards and Efficient Use of Spectrum" (RSPG 16-004) give an obvious starting point for this, noting the RSPG's thinking is well developed and a consensus position has been reached. The upcoming 700 MHz awards across Europe are a good vehicle for demonstrating the value of RSPG "Peer Review", including taking advantage of the experience of those EU Member States that have already awarded 700 MHz spectrum. The 700 MHz assignments are currently the subject of considerable political interest.

Proposal

- To develop the RSPG proposal on "Peer Review" towards practical implementation in a short time frame
- This would take the Spectrum Awards best practice work as a starting point, with the option, if it proves useful, of it ultimately becoming a broader piece of work. It would also be good to benefit from the experience gained through the RSPG "*Good Offices*" work.

It is proposed that this would be in place as early as possible, so that it can add value to the 700 MHz work already underway in many Member States and in the EEA.
- Following discussion of this paper at RSPG40, a specific implementation should be approved at RSPG41 Plenary (in November 2016).
- There would then be the intention of evaluating the success of this work at a Plenary meeting in 2017, and making recommendations to continue, modify, or expand it.

Scope
- An initial focus exclusively on spectrum awards of ECS spectrum

- A voluntary process for RSPG members, but one in which members would be encouraged to participate;
- This is primarily intended to help RSPG members with specific questions (precisely articulated, to enable a helpful answer) in the preparation of Spectrum awards[1], but should not be limited to the preparation phase;
- Take the form of an ongoing process (or conversation) rather than a discrete stage taking place before an award (noting this could introduce delays);
- It would not be a full examination of a Spectrum award or an endorsement of a particular approach.

How this could work in practice

1. Having identified the necessary features, establish a **common RSPG platform** to be accessible by all RSPG members (Member States and Commission), although not publicly. Specifically, the platform could be set up as a protected area on the RSPG website (www.rspg-spectrum.eu).

2. The purpose of the platform would be to provide a forum for RSPG members to **exchange experiences and views** on spectrum award and national assignment regulations of ECS spectrum.

3. The following two (non mutually-exclusive) options would be conceivable for this exchange of experiences and views:

   Option 1: Library. Members (voluntarily) post their **formal decisions** and possibly additional information relating to frequency award and assignment on the platform. This could be in a standard template (containing the major elements of the document). The other Member States receive an automatic notification that new information has been posted and can view and download the decisions and documents. Thought should be given to how to navigate this library, and to the standard template.

   Option 2: Peer assistance. A member may post a question about award or assignment regulations on the platform. The other members receive an automatic notification that a question has been posted and can post an answer on the platform (which can therefore be viewed by all platform members). The answers may refer to the library documents in (1); indeed, this may be one purpose of adding documents to the library.

4. Each member must provide details of a **contact point/s or person/s** (and set out the roles of different organisations, where they are involved) and update the details

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[1] see Annex 1 : "Spectrum Awards analytical framework" of the report on "Spectrum Awards and Efficient Use of Spectrum").

as and when necessary.

5. The platform would be managed by an **RSPG working group**, consisting of a panel of experts. A report should be presented by the working group rapporteur at an RSPG plenary meeting (and then shared with BEREC).