

**Telecom Italia response
to draft RSPG opinion on the process for EU assistance in
bilateral negotiations with third countries and between EU
countries
(RSPG11-395)**

(10 January 2012)

Telecom Italia welcomes the Radio Spectrum Policy Group invitation to express comments and views in relation to the draft opinion on the process for EU assistance in bilateral negotiations with third countries and between EU countries.

Member States have the direct responsibility of negotiating agreements with their neighboring EU or non EU countries. However, in the case where one or more Member States face a difficulty in reaching cross-border frequency agreement or there is an issue of harmful interference, in particular in a band which is subject to EU implementation measures, EU assistance should be provided.

In particular, during bilateral negotiations with non-EU Countries, political and technical support should be provided for individual Member States requesting assistance for solving frequency coordination issues (e.g. on the frequency bands allocated to Mobile Service).

1. Recommended process for EU assistance in bilateral negotiations with third countries

Telecom Italia shares RSPG view that, when the cross-border coordination cannot be solved by normal ITU and bilateral negotiation processes, the Member State can ask for the intervention of the EC which should act at the political level with the third country in order to facilitate resolution of the issue.

Intervention at the political level may be appropriate in cases where frequency coordination agreement cannot be reached solely by technical means and there may be circumstances where frequency coordination processes are undertaken but no agreement is achieved.

2. Recommended process for use of the “good offices” of the RSPG in bilateral negotiations between EU countries

Telecom Italia also agrees, in principle, with the proposed process based on the RSPG “good office” for the bilateral negotiations between EU countries but deems that this process should not intended to replace ITU coordination procedures. In particular, TI shares the view that the RSPG should not be an arbiter which can enforce obligations on the parties.

Regarding the EU assistance, Telecom Italia thinks the RSPG intervention should be called for only with the agreement of both the concerned parties. The RSPG “good office” would be ineffective if they are requested by one party only.