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## **RADIO SPECTRUM POLICY GROUP**

### **Progress Report of the RSPG Sub-Group**

### **on “Good offices” to assist in bilateral negotiations between Member States**

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## **Progress Report of the RSPG Sub-Group on “Good offices” to assist in bilateral negotiations between Member States**

The “Good offices” Sub-Group (SG) held two virtual meetings since the 60<sup>th</sup> meeting of the Radio Spectrum Policy Group. A meeting was held on the 21<sup>st</sup> March 2023 with discussions limited to FM interference problems around Italy. On the 16<sup>th</sup> May 2023 the SG held its full meeting and the report detailing the discussions is being provided at Annex I. An executive summary of the key discussion points is being provided below.

Albania participated in the SG meeting held on the 16<sup>th</sup> May and contributed to the discussions. North Macedonia did not participate but submitted written comments to the report of the meeting. These comments are being reflected in sections 2 and 4.4 of this progress report.

### **1. Implementation of the Croatia/Italy coordinated solution (article 28 opinion)**

#### *Key points*

- Italy confirmed that all of its television stations are only using those channels where Italy has an international right to use as per the various agreements signed with neighbouring countries.
- The claims made by Croatia in previous SG meetings as regards possible Italian interference were addressed. It was confirmed that the received television stations are operating from outside the coordination zone and such a situation is permissible under the UHF agreement for the Adriatic and Ionian region.
- Croatia confirmed that based on recent measurements, no significant interfering signal levels were received. However, it will remain vigilant and continue monitoring the situation.
- The issue concerning the implementation of the Croatia-Italy coordinated solution is considered closed and will not be included in the future agendas of the SG.

In response to a claim made by Croatia concerning possible interference on various channels in the UHF band, in particular on TV channel 41, Italy confirmed that as from July 2022, all of the Italian television stations are transmitting on those channels where Italy has an international right to use as per the various agreements signed with its neighbouring countries. Regarding the specific cases reported by Croatia, Italy stated that the television stations being received are operating from outside the coordination zone and this was permissible under the UHF agreement for the Adriatic and Ionian region.

Croatia confirmed that based on its recent measurement activity, no significant interfering signal levels were received and therefore it considers that the received television station on channel 41 is operating from outside the coordination zone. Croatia will continue monitoring the situation.

The SG considered the issue concerning television cross-border interference in the UHF band between Italy and Croatia as closed.

## **2. Update on the development of the Adriatic and Ionian regional agreement for DAB**

### *Key points*

- The last meeting of the Adriatic and Ionian group was held in January 2023 and consequently no progress is being reported on this activity.
- A high-level overview of the issues between North Macedonia and the Adriatic and Ionian countries in relation to DAB was provided. In this context it was highlighted that North Macedonia does not form part of the Adriatic-Ionian group but reaching agreement with North Macedonia was needed so that progress may be made on the finalisation of the DAB agreement.
- No progress was also made on reaching a common understanding of the ITU rules between Italy and Slovenia. Slovenia's request to Italy concerning its GE84 coordination requests remained unanswered.
- The disagreement between Croatia and Slovenia with Italy on whether DAB and FM should be treated as separate issues or not persisted. In Italy's views, this issue will delay the signature of the DAB agreement, may hinder the development of the DAB platforms, and will affect any opportunities towards improving the situation in the FM band. Croatia and Slovenia expressed a different opinion since the DAB agreement will be used to release uncoordinated FM frequencies.
- The concerned countries were encouraged to hold constructive discussions aimed towards finalising the DAB agreement. Slovenia and Italy were also requested to continue their discussions with a view of finding a common understanding on the pending bilateral issues.

On the basis of previous SG meetings, it was reported that the lack of progress within the Adriatic and Ionian countries in relation to the finalisation of the DAB agreement is associated with two main issues, namely:

- a) Cross-border coordination problems between Albania and North Macedonia in relation to the use of some channels which are affecting the partitioning of the DAB frequency plan for the Adriatic and Ionian countries.
- b) The position taken by Slovenia due to a lack of a common understanding of the ITU rules as defined by the Radio Regulations, as well as Italy's objections to Slovenia's request to register additional stations in the GE84 plan.

No progress was made on the development of the DAB regional agreement since the Adriatic and Ionian group did not reconvene since RSPG#60. The last meeting of the group was held in January 2023.

As regards the issues with North Macedonia, Italy reported that it held a discussion during CPM23-2, where the main principle of the DAB agreement was explained. North Macedonia was offered assistance in resolving the issues which are impeding making progress on the DAB agreement. Italy also exchanged some emails with North Macedonia on the flexible approach offered by the DAB plan being developed in the region. Information from North Macedonia still needs to be provided.

Albania also held exchanges with North Macedonia to resolve incompatibilities, but no concrete agreement could be reached. In the absence of such an agreement, the DAB plan will not be implementable in Albania. Albania expressed confidence that the incompatibilities with North Macedonia may be resolved at a technical level. It was also reported that North Macedonia requires a third layer for DAB, in addition to what it currently has. It was observed that North Macedonia has a considerable number of small allotments and combining some of the allotments may lead to finding solutions.

As regards the issues between Italy and Slovenia, Slovenia did not report any progress on the pending issues including on its request to reach a common agreement on the basic principles of the ITU rules. Slovenia stressed that this was required to avoid situations where Italian courts continue ignoring the recognition of coordinated frequencies and international agreements, as is already the case with the FM band. Italy's response to Slovenia's frequency coordination request under the GE84 plan is also pending.

Regarding the GE84 frequency coordination issues with Slovenia, Italy was still of the view to keep the FM and DAB topics separate. It explained that delaying the signature of the DAB agreement may hinder the development of the DAB platform and this will affect any opportunities towards improving the situation in the FM band.

The meeting encouraged the parties to continue the dialogue with North Macedonia so that a solution may be found on the reported issues. Moreover, the SG agreed that the dialogue between the Adriatic and Ionian group shall continue, and in particular encouraged Italy and Slovenia to find a common understanding on the pending issues. The SG offered its willingness to assist as necessary.

Following the SG meeting held on the 16<sup>th</sup> May, North Macedonia provided written comments on matters falling within the scope of this agenda item, which are being summarised below.

- a) North Macedonia expressed interest in becoming a party of the Adriatic and Ionian group, but this interest was not considered favourably by the countries of the group. North Macedonia requested information regarding the working methods, criteria, future plans, etc. in relation to the VHF band, but no results were received. North Macedonia considers that the current situation is not providing it with the opportunity to achieve its individual goals to the full extent.

- b) Reference to the meeting held at CPM23-2, North Macedonia confirmed that all of the requested information was submitted via email.
- c) All frequency coordination requests of Albania were analysed, and the results submitted. North Macedonia's requests to Albania seeking coordination for FM and satellite services were however not answered.
- d) North Macedonia expressed its readiness for further cooperation with all parties in the region in order to achieve an equitable access, efficient and rational use of the radio spectrum. It requested the assistance of the European Commission but on a political level.<sup>1</sup>

### 3. **DAB interference around Italy**

#### *Key points*

- The DAB interference problems reported by Croatia and Slovenia persist.
- Italy is still of the view that the reported DAB interference may be resolved by implementing a temporary solution based on the use of frequency blocks 7C and 7D. This solution may be implemented in a short timeframe and will not be affecting countries located in the East side of the Adriatic region.
- Italy committed to align all of its assignments once the DAB agreement for the Adriatic and Ionian region is signed.
- According to the Italy-San Marino agreement, Italy is entitled to use the GE06 rights of San Marino. Nonetheless, it is seeking for a formal confirmation from San Marino as regards the use of VHF channel 7.
- Italy's use of uncoordinated DAB frequencies was attributed to the fact that it needed to accommodate 3 national and a certain number of local/regional networks, and its GE06 rights were not sufficient.
- The details of the Italian DAB networks using GE06 frequencies were already submitted to the ITU for registration. Italy was requested to refrain from submitting additional registrations of DAB stations located in the buffer zone to the ITU, until agreement is reached on the final plan for the Adriatic and Ionian region.
- Slovenia and Croatia confirmed their disagreement for Italy's usage of frequency blocks 7C and 7D since these blocks are not envisaged to be used by Italy. Pursuant to the draft DAB agreement, these frequency blocks are earmarked to be used by Croatia and Slovenia. Italy was encouraged to use its DAB frequencies, which are currently not in use in the border area.
- Italy confirmed that its aim is to only use coordinated frequencies made available to it in accordance with bilateral and multilateral agreements. The use of Italian DAB rights which are currently unused was not deemed viable by Italy and reiterated that the only solution is to use 7C and 7D.

<sup>1</sup> This comment was also made in the context of Section 4.4 of the progress report.

- In line with the discussions held in a tri-lateral meeting held in April 2023, Italy was requested to consider using those frequencies identified for use by Italy under the Adriatic-Ionian agreement. The implementation of this option was not considered possible by Italy.
- The SG deemed not acceptable the fact that Italy was using uncoordinated radio spectrum, resulting in causing harmful interference to neighbouring countries.
- It was agreed that the DAB agreement for the Adriatic and Ionian region shall be the vehicle leading to resolving the DAB interference problems reported by Slovenia and Croatia. The parties were encouraged to resume their discussions preferably by the 15<sup>th</sup> July.
- Malta reported the presence of Italian DAB interference on frequency block 12C. Italy committed to investigate and was confident that this problem will be resolved in short-order.

An overview of the Italian national plan for DAB as adopted by AGCOM in 2022, was provided during the SG meeting. This plan is provisional and will become definitive following signature of the DAB agreement for the Adriatic and Ionian region. For the west-side of Italy, the Italian DAB plan respects the bi-lateral agreements entered into with various countries. For the Adriatic and Ionian side, Italy tried using its GE06 rights, but in order to have a complete and consistent national plan without affecting other GE rights, Italy had to optimise its spectrum resources. This approach was in line with the aim of the DAB agreement for the Adriatic and Ionian region (i.e. to increase the number of frequency blocks which may be used for DAB) and led to temporarily using frequency blocks 7C and 7D. In Italy's views, this temporary use has no impact on the neighbouring countries in the region and will remain in force until signature of the DAB agreement for the Adriatic and Ionian region.

VHF channel 7 is a GE06 right of San Marino but according to the current Italy-San Marino bilateral agreement, Italy is entitled to use the whole amount of San Marino's GE06 rights in the VHF band. Nonetheless, Italy was seeking for a confirmation from San Marino that they will not be using this channel.

Italy's use of uncoordinated DAB frequencies was attributed to the fact that Italy needs to accommodate 3 national and a certain number of local/regional networks, and its GE06 rights are not sufficient. This led Italy to using uncoordinated frequencies. For the stations using Italy's GE06 rights, the details of the networks were already submitted to the ITU for registration under the GE06. The other DAB networks provisionally operating on channels 7C and 7D were not sent to the ITU in view of their temporary nature. Italy reiterated that the use of frequency blocks 7C and 7D will not be affecting neighbouring countries and such use will be limited until signature of the DAB agreement for the Adriatic and Ionian countries.

Both Slovenia and Croatia confirmed their disagreement for Italy's use of these frequency blocks since they are not envisaged to be used by Italy neither pursuant to GE06 nor to the draft plan of the DAB regional agreement. In accordance with the latter instrument, these frequency blocks are envisaged to be used by Croatia and Slovenia. These countries stressed that Italy shall use Italian frequencies which are not being used in the border area.

Italy was also requested to refrain from submitting notifications to the ITU for the registration of DAB stations located in the buffer zone, until agreement is reached on the final plan of the DAB agreement for the Adriatic and Ionian region. On this point Italy noted that this was being done in line with the rights which Italy enjoys, in accordance with the various bilateral agreements and the GE06 plan. Following signature of the DAB agreement for the Adriatic and Ionian region, a request for modification or withdrawal of the relevant GE06 registered stations not included in the Adriatic plan will be submitted to the ITU.

In April 2023, a tri-lateral meeting was held between Italy, Croatia and Slovenia to discuss potential measures to resolve DAB interference. Preference was expressed to implement a solution where Italy uses frequency blocks earmarked to be designated for Italy by the draft Adriatic and Ionian agreement. This option was studied and deemed not feasible by Italy since it will have a domino effect on the DAB networks in the region. This implies that the DAB agreement must be finalised with urgency and in the interim Italy reiterated its request to use frequency blocks 7C and 7D as a temporary solution to solve the current cases of interference reported by Slovenia and Croatia. Moreover, for Italy it was not possible to apply part of a draft agreement since it was not final as yet.

The meeting reflected on the information provided by Italy and deemed not acceptable the fact that Italy was using radio spectrum which has not been coordinated and as a consequence Italy was causing DAB interference to its neighbouring countries. Italy reiterated that the temporary use of frequency blocks 7C and 7D will not be affecting neighbouring countries. Slovenia expressed concerns that this situation was becoming similar to that present in the FM band.

In conclusion, it was agreed that the vehicle leading to resolving the interference problems reported by Slovenia and Croatia should be the DAB agreement being developed for the Adriatic and Ionian region. The parties were strongly encouraged to resume the discussions within Adriatic and Ionian region, preferably by the 15<sup>th</sup> July 2023.

The SG was also informed about a DAB interference case reported by Malta on frequency block 12C. Italy was informed about this case prior to the SG meeting and committed to investigate. Italy expressed confidence that this problem will be resolved in short order.

#### **4. FM interference around Italy**

##### **4.1 *France***

France, following the bilateral meeting held with Italy on the 13<sup>th</sup> January, wishes to organise a new bilateral meeting to investigate further the solution of using 88.4 MHz on Monte Corbu.

Italy confirmed its availability to continue discussions with France on this long-standing interference case.

##### **4.2 *Malta***

No developments were reported on the pending FM interference cases by Italy.

### 4.3 *Development of an action plan to resolve FM interference affecting Croatia and Slovenia*

#### *Key points*

- Activities within the Italian working group dealing with FM interference are still progressing and therefore no new information can be made available. As per its terms of reference, the working group will be developing an internal report to the Ministry. The report will be recommending a set of possible actions having the objective of using FM frequencies more efficiently, as well as an evaluation on the feasibility of implementing such actions. The various possible actions indicated by Italy in previous occasions, such as compensation schemes and migration to DAB, are still being considered.
- The objectives of these actions include the elimination/mitigation of interference and the preservation of investments made in this sector. The report is expected to be completed by mid-summer 2023.
- Italy was also looking at solving specific cases of interference based on the priority list of interference cases. Italy intends to firstly address those cases which it deems to be less complex to resolve. The potential solutions will be discussed with the operators to minimise potential risks of litigation against the Ministry. Italy foresees that some potential results could be presented around June 2023.
- Croatia and Slovenia expressed their disappointment to the information conveyed by Italy, particularly since no progress was made to resolve interferences forming part of the priority list.
- The EC will remain vigilant and from a political point of view it was important that actions based on the Italian report are implemented swiftly. It was hopeful that a solution could be found within the SG but was prepared to act at a political and legal level if necessary.
- The SG reiterated its appeal to Italy to find and implement solutions in the shortest possible time frame and that it was imperative for Italy to comply with, in particular, Article 45 of the European Electronic Communications Code.

The SG met on the 21<sup>st</sup> March 2023 to discuss FM interference around Italy. No new information was made available since progress on this matter is directly linked to the discussions taking place within the Italian working group dealing with FM interference.

In the May meeting of the SG, Italy confirmed that activities within the Italian working group were still ongoing. The working group will be producing an internal report to the Ministry detailing the findings of an assessment of the current situation together with a set of possible actions having the objective of using FM frequencies more efficiently. The report will also be evaluating the feasibility of implementing such actions which have the intent of eliminating / mitigating interferences and to preserve investments made in this sector. This report is expected to be completed by mid-summer and will subsequently be presented to the Ministry. The various measures discussed at previous meetings (e.g. compensation schemes, migration to DAB, etc) are still being considered.



In parallel, Italy is also looking at solving specific cases of interference based on the priority list of interference cases but recognised that some of the cases are very complex to resolve. Italy intends to firstly address cases where the solution addressing the FM interference could be less complex to implement. Any potential solutions will be discussed with operators with a view of minimising potential risks of litigation against the Ministry. Italy foresees that some potential results could be presented around June 2023.

Croatia and Slovenia expressed their disappointment to the information conveyed by Italy, particularly, since no progress has been made to resolve interference cases forming part of the priority list.

The EC representative stated that it will remain vigilant and that from a political point of view it was important that the actions based on the Italian report are implemented swiftly. The EC was hopeful that a solution concerning FM interference could be found in the SG but was prepared to act at a political and legal level if necessary.

In conclusion, the SG reiterated its appeal to Italy that solutions need to be found and implemented in the shortest possible timeframe. The SG considered imperative for Italy to comply with, in particular, Article 45 of the European Electronic Communications Code.

#### **4.4 North Macedonia**

Following the SG meeting held on the 16<sup>th</sup> May, North Macedonia informed the SG that all of its submitted notices for FM coordination received objections from Greece, Bulgaria and Italy. North Macedonia stressed that it supported the multilateral/bilateral cooperation between the neighbouring administrations which is extremely important for the complex process of harmonising technical parameters.

### **5. Cross border activities with non-EU countries concerning the 700 MHz and 3.6 GHz band**

During the SG meeting, Albania provided information on the state-of-play of the release of the 700 MHz band for mobile electronic communications services.

- In November 2021, Albania approved a new frequency plan and in December 2021, it commenced the international coordination procedure for modifying the GE06 plan. In January 2022, Albania engaged in bilateral meetings with neighbouring countries to find technical solutions to the incompatibilities of some allotments and to expedite the finalisation of the process. Multilateral meetings within the Adriatic and Ionian Group contributed to find solutions for the Albania plan.
- In September 2022 Albania finalised the coordination procedure at allotment level and in December 2022 a migration strategy was drafted. The implementation of the strategy is still underway but is expected to be completed in 2023.

- Albania, in coordination with its neighbouring countries, established a transitional migration plan which aims to avoid 5G cross-border harmful interference. This plan will be migrating television stations operating on channels 50-53 to channels 54-57. The implementation of this plan started in February 2023 for the allotments located in the central and northern part of the country. The implementation of this transitional plan in other allotment areas will be considered on a case-by-case basis, depending on the needs of the neighbouring countries.
- Regarding North Macedonia, Albania has administered their complaint for the elimination of cross-border interference in the 5G service. Discussions are being held with broadcasters on the temporally migration for the 5G uplink band, where only one channel is operating in the border area.

Albania was invited to hold bilateral discussions with Italy addressing 700 MHz interference reported by Italian mobile operators in the Puglia region so that appropriate measures may be undertaken.

The EC provided the following update on the latest Spectrum Experts Working Group meeting of the Eastern Partnership Electronic Communications Regulators Network, held on 2-4 May 2023.

- **Armenia:** 700 MHz licenses were issued. Although the 3.6 GHz band is not supported for IMT, negotiations are taking place at a national level on the future of this band.
- **Azerbaijan:** This country plans to deploy IMT in both the 700 MHz and 3.6 GHz bands in the future. Negotiations concerning the UHF band are challenging particularly since the neighbouring countries are using the 700 MHz band for broadcasting services.
- **Georgia:** The 700 MHz band and 300 MHz within the 3.6 GHz band are already made available for IMT. The band within 3.7-3.8 GHz is being used by point-to-point links. In preparation for an upcoming auction, a public consultation was launched for the 700 MHz band, the 3.4-3.7 GHz band as well as for the entire 2.6 GHz band.
- **Moldova:** The 700 MHz and 3.6 GHz bands are made available for IMT. An auction procedure was planned to be carried out in 2022 but had to be cancelled due to the Russian war of aggression against Ukraine. The auction procedure may be carried out in 2024 provided that the political situation becomes more stable. This procedure is expected to include the 1.5 GHz and the 2.3 GHz bands.
- **Ukraine:** The 700 MHz band cannot be made available for IMT until the Russian war of aggression against Ukraine is over. The 3.6 GHz band is free from non-IMT use but is expected to be made available also after the war is over.
- **Regional Spectrum Agreement (RSA):** A workshop is planned to be held in the future on the RSA and digital connectivity in general.

**6. Date of next meeting**

The SG will be holding its next meeting in hybrid format on the 13<sup>th</sup> July 2023, at the Commission's premises in Brussels. The agenda of this meeting will focus on DAB and FM related issues and North Macedonia will be invited to attend.

The subsequent meeting of the SG will be held remotely on the 27th September 2023 (09:30-12:30hrs).

**ANNEX I****REPORT****RSPG SUB-GROUP**

“Good offices” to assist in bilateral negotiations between Member States

Web-meeting, 16<sup>th</sup> May 2023

The draft agenda of the meeting was presented and agreed without amendments. The co-chairs and the representative of the European Commission welcomed Albania, who participated in the sub-group meeting of the RSPG good offices for the first time.

**1. Implementation of the Croatia/Italy coordinated solution (article 28 opinion)**

In introducing this agenda item, reference was made to the claim made by Croatia concerning possible interference on various channels in the UHF band, in particular on TV channel 41.

Italy confirmed that as from July 2022, all of the Italian television stations are only using those channels where Italy has an international right to use as per the various agreements signed with its neighbouring countries. Italy recalled that in the past, it took immediate action to switch-off television stations which were operating without authorisation. Regarding the claims made by Croatia, Italy stated that television stations received by Croatia are operating from outside the coordination zone and this was permissible under the UHF agreement for the Adriatic and Ionian region.

Croatia confirmed that based on its recent measurement activity, no significant interfering signal levels were received and therefore it considers that the received television station on channel 41 is operating from outside the coordination zone. Croatia will continue monitoring the situation.

Italy confirmed that the technical parameters of its television stations are published in BR IFIC, under the GE06 plan.

In this regard, the Sub-Group considered the issue concerning television cross-border interference between Italy and Croatia as closed.

Given that this agenda item focused on the UHF band, Albania was invited to provide information on state-of-play of the release of the 700 MHz band for mobile electronic communication services. In response, Albania provided the following information:

- In November 2021, Albania approved a new frequency plan and in December 2021, it commenced the international coordination procedure for modifying the GE06 plan. In January 2022, Albania engaged in bilateral meetings with neighbouring countries to find technical solutions to the incompatibilities of some allotments and to expedite the finalisation of the process. The coordination procedure was very complex due to the reduction of the available radio spectrum for television services, the high number of layers in Albania (7 layers in operation), as well as incompatibilities with Croatia, Montenegro and Italy (for Tirana allotment - L005D). In the coordination procedure with neighbouring countries, the Albanian plan was changed to respect the requirements of these countries. Multilateral meetings within the Adriatic and Ionian Group contributed to find solutions for the Albania plan. In particular, Italy's assistance was necessary to resolve incompatibilities with Croatia, Albania and Montenegro since the Albanian plan was left without a channel in the Tirana allotment (AL005D).
- In September 2022 Albania finalised the coordination procedure at allotment level and in December 2022 a migration strategy was drafted. The implementation of the strategy is expected to be finalised within 24-weeks from the start date (yet to be define). An inter-institutional working group was established which is responsible to coordinate the release of the 700 MHz band and to propose all the necessary decisions to be taken by the competent institutions. Work is still ongoing and includes aspects concerning financial compensation for the migration. Nonetheless, this activity is expected to be finalised during 2023.
- Albania, in coordination with its neighbouring countries, established a transitional migration plan which aims to avoid 5G cross-border harmful interference. This plan will be migrating television stations operating on channels 50-53 to channels 54-57. This implementation of this plan started in February 2023 for the allotments located in the central and northern part of the country. The implementation of this transitional plan in other allotment areas will be considered on a case-by-case basis, depending on the needs of the neighbouring countries.
- Regarding North Macedonia, Albania has administered their complaint for the elimination of cross-border interference in the 5G service. Discussions are being held with broadcasters on the temporally migration for the 5G uplink band, where only one channel is operating in the border area (specifically Korça allotment - AL009D).

Italy stated that Italian mobile operators reported 700 MHz harmful interference in the Puglia region and requested to hold bilateral discussions in order to also implement the transitory migration plan in the Albanian regions affecting Italy.

The EC representative thanked Albania for their participation and expressed support to hold proper coordination for the 700 MHz band, leading to the use of the band used without any interference in Italy and in the entire region, within the context of the EU Decision concerning the 700 MHz band.

## **2. Update on the development of the Adriatic and Ionian regional agreement for DAB**

In introducing this agenda item, reference was made to the discussions held at the previous Sub-Group meeting where the lack of progress within the Adriatic and Ionian countries was associated with two main issues, namely:

- a) Cross-border coordination problems between Albania and North Macedonia in relation to the use of some channels which are affecting the partitioning of the DAB frequency plan for the Adriatic and Ionian countries.
- b) The position taken by Slovenia due to a lack of a common understanding of the ITU rules as defined by the Radio Regulations, as well as Italy's objections to Slovenia's request to register additional stations in the Geneva 1984 (GE84) plan.

Italy reported that the last meeting of the Adriatic and Ionian group was held in January and therefore no progress was made on the development of the DAB regional agreement. Italy also reported that it held a discussion with North Macedonia during CPM23-2, where the main principle of the DAB agreement was explained. North Macedonia was offered assistance in resolving the issues which are impeding making progress on the DAB agreement.

Italy explained that the DAB agreement aims to use radio spectrum more efficiently by reviewing the GE06 rights on the basis of the needs of the Adriatic and Ionian countries, necessary to accommodate their DAB needs. The same approach will be taken with North Macedonia. Albania clarified that North Macedonia did not request a specific channel but insists on the benefit of having a third layer for DAB, irrelevant of which frequency block will be.

Italy emphasised on the importance to focus on the number of required channels and not on the preferred channel for use. This will provide more flexibility in trying to develop a plan meeting the needs of the region. Italy clarified that some emails were exchanged with North Macedonia on this approach, but the necessary information still needs to be provided.

Albania stated that it held exchanges with North Macedonia to resolve incompatibilities, but no concrete agreement could be reached. Although Albania is willing to make progress on the DAB agreement for the Adriatic and Ionian region, Albania will only be in a position to sign it if an accord is reached with North Macedonia, without which the agreement will not be implementable. Albania explained that during the discussions, North Macedonia raised the issue of incompatibilities but based on technical analysis a solution may be found on the matter. Albania sent their proposals to North Macedonia on this issue, but no concrete answer was received regarding technically resolving this incompatibility from their side (DTT channels).

Albania reported that North Macedonia also stressed on the need in having a third layer for DAB<sup>2</sup>. This issue is more complex to resolve even since North Macedonia does not form part of the Adriatic and Ionian region. In practice North Macedonia may also use the TV layer for DAB which will result in six DAB layers in total.

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<sup>2</sup> Currently North Macedonia has two layers for DAB and one for TV.

Croatia observed that in the Albanian-North Macedonia area towards Serbia, North Macedonia has a considerable number of small allotments and combining some of the allotments may lead to finding solutions.

Greece stated that the use of radio spectrum is well coordinated with Albania and no cases of interference are reported by the Greek operators. Greece also reported that interference issues were present during the first months of the 700 MHz band migration process, but these have been completely resolved.

The meeting encouraged the parties to continue the dialogue with North Macedonia so that a solution may be found on the reported issues.

As regards the issues between Italy and Slovenia, Slovenia did not report any progress on the pending issues. Slovenia explained that a letter was sent to Italy asking to reach some common agreement on the basic principles, but a reply has so far not been received. Italy's response to Slovenia's frequency coordination request under the GE84 plan is also pending.

Regarding the GE84 frequency coordination issues with Slovenia, Italy was still of the view to keep the FM and DAB topics separate. It explained that delaying the signature of the DAB agreement may hinder the development of the DAB platform and this will affect any opportunities towards improving the situation in the FM band. Italy asked Slovenia to not make the signature of the DAB agreement dependent on the FM band since such an approach will be delaying the implementation of measures leading to an improvement of the general situation.

Slovenia stressed that it believes that the issues concerning the FM band, including the interference problems, are very much related to the new DAB plan / agreement and cannot be separated as some DAB capacity should be used for migration in order to release uncoordinated FM frequencies. Since Italy does not respect the Radio Regulations, Slovenia would like to reach agreement on the basic principles on which the new DAB agreement will be based. This is required to avoid situations where Italian courts continue ignoring the recognition of coordinated frequencies and international agreements when trying to protect Italian operators using uncoordinated frequencies, as is already the case with the FM radio.

Croatia recognised that good progress was made within the Adriatic and Ionian region on the preparation of the DAB agreement. The Adriatic and Ionian countries, as a group, should find solutions to solve the challenges associated with the signature of the agreement.

The Sub-Group agreed that the dialogue between the parties should continue, and in particular encouraged Italy and Slovenia to find a common understanding on the pending issues. The Sub-Group offered its willingness to assist as necessary.

### **3. DAB interference around Italy**

Italy referred to the national DAB plan adopted by AGCOM during 2022, based on which rights of use were granted. This plan is provisional and will be finalised following signature of the DAB agreement for the Adriatic and Ionian region. For the western side of Italy, the Italian

DAB plan takes into account the bi-lateral agreements entered into with various countries. For the Adriatic and Ionian side, Italy tried using its GE06 rights, but in order to have a complete and consistent national plan, without affecting other GE rights, Italy had to optimise its spectrum resources. This approach was in line with the aim of the DAB agreement for the Adriatic and Ionian region (i.e. to increase the number of frequency blocks which may be used for DAB) and led to temporarily using frequency blocks 7C and 7D. This temporary use – based on the consideration that DTT VHF channel 7 in the GE06 plan is assigned to the western side of the Adriatic Sea, in the central and southern part of Italian coordination area but not on the other side – furthermore helps to resolve the reported cases of DAB interference. In Italy's views this solution has no impact on the neighbouring countries in the region. Italy reiterated that this solution will be a temporary one, until the DAB Adriatic and Ionian is signed.

Slovenia clarified that a coordination process should not be unilateral and aims to find solutions for other administrations.

Croatia requested Italy to provide an update on the status of negotiations with San Marino in order to guarantee a no objection to the modification of the GE06 plan in line with the Adriatic and Ionian agreement, as San Marino has GE06 rights (e.g. 7, 12B, 12C...) to be used on the Eastern side of the Adriatic sea in the Adriatic-Ionian plan. Italy indicated that it was still waiting for a formal confirmation from San Marino that they will not be using this channel. In any case, according to the current bilateral Italy-San Marino agreement, Italy is entitled to use the whole amount of San Marino GE06 rights in the VHF band.

The question as to why Italy used frequencies without undergoing proper coordination was considered. Italy stated that for the Adriatic region a number of frequencies had to be found to accommodate 3 national and a certain number of local/regional networks, and only GE06 resources plus a limited use of additional frequencies have been devised, as already reported. For the stations using Italy's GE06 rights, the details of the networks were already submitted to the ITU for registration under the GE06. The other networks provisionally operating on channels 7C and 7D were not sent to the ITU in view of their temporary nature. Italy reiterated that the use of frequency blocks 7C and 7D will not be affecting neighbouring countries and such use will be limited until the signature of the DAB agreement for the Adriatic and Ionian countries.

Slovenia stated that the use of these two frequency blocks were objected to by Slovenia and Croatia since these blocks are not envisaged to be used by Italy neither in GE06 nor in the draft plan of the DAB agreement for the Adriatic and Ionian region. In accordance with the latter instrument, these frequency blocks are envisaged to be used by Croatia and Slovenia. Slovenia believes that in order to eliminate DAB interferences only a few Italian DAB transmitters need to change their frequency to any frequency already assigned to Italy. Spectrum measurements near the border show that most of the Italian DAB frequencies are not used. Consequently, there is no need to use any additional frequency resources, especially not those that are planned to be used by Slovenia.



Croatia supported Slovenia's comments and stated that the solution proposed by Italy was not clear since the complete picture of what will happen was not provided. Additional clarifications on Italy's plans were requested. Italy was also requested to refrain from submitting notifications to the ITU for the registration of DAB stations located in the buffer zone, until agreement is reached on the final plan of the DAB agreement for the Adriatic and Ionian region.

In response Italy said that the final picture is given by the Adriatic and Ionian Agreement when finalized and implemented in the definitive Italian national DAB plan. Regarding the current DAB national provisional plan, radio spectrum will be assigned and networks deployed, because this process is key to make the DAB platform successful. The provisional national plan is already in line with the frequency coordination agreements that have been signed with France, Monaco, Vatican City, Switzerland, Austria and Malta since these agreements reflect the number of required layers. Italy reiterated that in view of the status of the agreement for the Adriatic and Ionian region, the frequencies to be used in accordance with the current national plan will be provisional until the said agreement is finalised. This plan establishes the national framework, and Italy is trying to adhere to it. In addition, the migration of the current Italian networks on the frequency blocks in accordance with the provisional national plan can be decisive to resolve cases of harmful interference despite these frequency blocks are currently not in use. Hence, the optimal solution is that Italy uses frequency blocks 7C and 7D on a temporary basis.

The Sub-Group was informed that following the January 2023 Sub-Group meeting a tri-lateral meeting (Italy-Croatia-Slovenia) was held where preference was expressed to consider using frequency blocks earmarked to be used by Italy in accordance with the draft Adriatic and Ionian agreement. This option was studied and deemed not feasible for Italy since it will have a domino effect on DAB networks in the region. This implies that the DAB agreement must be finalised with urgency and in the interim Italy reiterates its request to use frequency blocks 7C and 7D as a temporary solution to solve the current cases of interference reported by Slovenia and Croatia.

The meeting reflected on the information provided by Italy and deemed not acceptable the fact that Italy was using radio spectrum which has not been coordinated and as a result, it was causing DAB interference to its neighbouring countries. Italy reiterated that the temporary use of frequency blocks 7C and 7D will not affect neighbouring countries. Slovenia expressed concerns that this situation was becoming similar to that present in the FM band.

Italy confirmed that some of the 7D frequency blocks were already operational, whilst the 7C frequency blocks were not. In the circumstances, Italy stated that two options were possible to resolve the interference problems, namely either to maintain current interference scenario or else to implement the temporary solution concerning the use of frequency blocks 7C and 7D. The latter option could be implemented in a relatively short timeframe.

Slovenia reported that its measurements indicate that frequency blocks 7C and 7D have been in use since 2022, and the deployment of Italian stations increased especially on 7D, despite receiving objections from Slovenia and Croatia. Both countries reiterated that position that Italy should use frequency blocks designated for use by Italy under the draft Adriatic and Ionian

agreement. Italy argued that the application of part of the draft agreement was not possible without a formal signature of the final agreement.

It was observed that although the AGCOM plan was in principle a good plan, there is a lack of confidence in Italy and this should be taken into account when considering solutions to the harmful interference problems. However, the difficulties in proceeding with the Adriatic and Ionic agreement, which involves a large number of Administrations need to be taken into account and must not be overlooked.

Italy clarified on their submission of Italian DAB stations to the ITU for registration under the GE06 plan. Italy stated that this is being done in line with the rights which Italy enjoys, in accordance with the various bilateral agreements and the GE06 plan. Following signature of the DAB agreement for the Adriatic and Ionian region, a request for modification or withdrawal of the relevant stations as registered under the GE06 plan and not included in the Adriatic plan will be submitted to the ITU. Italy reiterated that those DAB stations which will be operating on a temporary basis (i.e. those operating on frequency blocks 7C and 7D) will not be submitted for registration under the GE06 plan. Croatia expressed reservations to the course of action adopted by Italy on this matter and requested Italy to discontinue the submission of such registrations located in the buffer zone since Italy's GE06 rights are not entirely compatible with the draft plan of the Adriatic and Ionian agreement, and even some submissions are not in line with the GE06 allotment plan.

After this comprehensive discussion, the Sub-Group agreed that the vehicle leading to resolving the interference problems reported by Slovenia and Croatia should be the DAB agreement being developed for the Adriatic and Ionian region. Hence, the parties were strongly encouraged to resume the discussions within Adriatic and Ionian region, preferably by the 15<sup>th</sup> July 2023. In this context, it was considered important to lift the reservation of North Macedonia on using specific channels foreseen in the frame of the discussions of the Adriatic and Ionian DAB agreement since this problem, which may be easily addressed on a technical level, may hinder and delay the finalisation of the agreement. The holding of any bilateral discussions aimed at reaching a common understanding on specific issues, such as those raised by Slovenia, were also encouraged.

Malta informed the Sub-Group that it is experiencing DAB interference on 12C, a frequency block assigned for use by Malta in accordance with the Italy-Malta bi-lateral agreement. The interference was received with a level around 65 dB $\mu$ V/m and was already reported to Italy. Italy acknowledged receipt of this report and confirmed that the local office in Sicily will be carrying out the necessary investigations. Italy was confident that this problem will be resolved in short order.

#### 4. FM interference around Italy

##### *France*

France, following the bilateral meeting held with Italy on the 13<sup>th</sup> January, wishes to organise a new bilateral meeting to investigate further the solution of using 88.4 MHz on Monte Corbu.

Italy confirmed its availability to continue discussions with France on this long-standing interference case.

##### *Malta*

No improvements were reported on the pending FM interference cases with Italy.

##### *Development of an action plan to resolve FM interference affecting Croatia and Slovenia*

The Sub-Group was briefed with the outcome of the meeting held on the 21<sup>st</sup> March 2023, addressing FM interference caused by Italy to Croatia and Slovenia. No new information was made available since progress on this matter is directly linked with the discussions taking place within the Italian working group dealing with FM interference, in accordance with article 50 (paragraph 10) of Decreto Legislativo 208/2021.

Italy confirmed that activities within the Italian working group were still ongoing. Italy recalled that this working group was carrying out an assessment of the current situation and will be producing an internal report to the Ministry detailing the findings of this assessment together with a set of possible actions having the objective of using FM frequencies more efficiently. The report will also be evaluating the feasibility of implementing the identified actions.

These actions, amongst other things, aim to eliminate / mitigate interferences and to preserve investments made in this sector. This report is expected to be completed by mid-summer and will subsequently be presented to the Ministry. Italy clarified that the Italian working group was not empowered to take decisions of a regulatory nature. Italy reassured the Sub-Group that the various measures discussed at previous meetings (e.g. compensation schemes, migration to DAB, etc) were still being considered.

In parallel, Italy was also looking at solving specific cases of interference based on the priority list of interference cases but recognised that some of the cases were very complex to resolve. It explained that although the interfering stations were identified, these stations cannot be switched-off without providing a feasible alternative allowing these stations to continue operating. In some cases, a domino-effect was foreseen and was difficult to find the desired alternative. Italy confirmed that it was studying the priority list with the aim of finding cases where the solution addressing the FM interference could be less complex to implement. This process was still underway, and no concrete cases were so far identified. Italy intends to discuss potential solutions with their operators in order to minimise potential risks of litigation against the Ministry. Italy foresees that some potential results could be presented around June 2023.

Croatia and Slovenia expressed their disappointment to the information conveyed by Italy, particularly, since no progress has been made to resolve interference cases forming part of the priority list. Croatia made reference to the Italian interference affecting its station at Biokovo, and reiterated that solutions could be easily found to resolve this interference case. Slovenia reiterated that the Italian interference was causing financial damage to the Slovenian broadcasting sector.

The EC representative stated that it will remain vigilant and that from a political point of view it was important that the actions based on the Italian report are implemented swiftly. The EC was hopeful that a solution concerning FM interference could be found in the Sub-Group but was prepared to act at a political and legal level if necessary.

In conclusion, the Sub-Group reiterated its appeal to Italy that solutions need to be found and implemented in the shortest possible timeframe. The Sub-Group considered imperative for Italy to comply with, in particular, Article 45 of the European Electronic Communications Code.

## **5. Cross border activities with non-EU countries concerning the 700 MHz and 3.6 GHz band**

The European Commission representative provided the following update on the latest Spectrum Experts Working Group meeting of the Eastern Partnership Electronic Communications Regulators Network, held on 2-4 May 2023.

- **Armenia:** 700 MHz licenses were issued. Although the 3.6 GHz band is not supported for IMT, negotiations are taking place at a national level on the future of this band.
- **Azerbaijan:** This country plans to deploy IMT in both the 700 MHz and 3.6 GHz bands in the future. Negotiations concerning the UHF band are challenging particularly since the neighbouring countries are using the 700 MHz band for broadcasting services.
- **Georgia:** The 700 MHz band and 300 MHz within the 3.6 GHz band are already made available for IMT. The band within 3.7-3.8 GHz is being used by point-to-point links. In preparation for an upcoming auction, a public consultation was launched for the 700 MHz band, the 3.4-3.7 GHz band as well as for the entire 2.6 GHz band.
- **Moldova:** The 700 MHz and 3.6 GHz bands are made available for IMT. An auction procedure was planned to be carried out in 2022 but had to be cancelled due to the Russian war of aggression against Ukraine. The auction procedure may be carried out in 2024 provided that the political situation becomes more stable. This procedure is expected to include the 1.5 GHz and the 2.3 GHz bands.
- **Ukraine:** The 700 MHz band cannot be made available for IMT until the Russian war of aggression against Ukraine is over. The 3.6 GHz band is free from non-IMT use but is expected to be made available also after the war is over.
- **Regional Spectrum Agreement (RSA):** A workshop is planned to be held in the future on the RSA and digital connectivity in general.

**6. Any other business**

Nil.

**7. Future meetings of the Sub-Group**

The Sub-Group agreed to hold its next meeting in hybrid format on the 13<sup>th</sup> July 2023, at the Commission's premises in Brussels. The agenda of this meeting will focus on DAB and FM related issues and North Macedonia will be invited to attend.

The subsequent meeting of the Sub-Group will be held remotely on the 27<sup>th</sup> September 2023 (09:30-12:30hrs).

## List of participants

No. of participants: 28

Country	Organisation
Albania	Electronic and Postal Communications Authority (AKEP)
	Authority for Audiovisual Media (AMA)
	Ministry of Infrastructure and Energy
Austria	Austrian Federal Ministry of Finance
	Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR)
Bulgaria	Ministry of Transport and Communications
Croatia	Croatian Regulatory Authority for Network Industries (HAKOM)
Finland	Finnish Transport and Communications Regulatory Authority (TRAFICOM)
Greece	Hellenic Telecommunications & Post Commission (EETT)
	Ministry of Digital Governance
Hungary	National Media and Infocommunications Authority (NMHH)
Italy	Ministry of Enterprises and Made in Italy (MIMIT)
	Italian Communications Regulatory Authority (AGCOM)
Lithuania	Communications Regulatory Authority of the Republic of Lithuania (RRT)
Malta	Malta Communications Authority (MCA)
Slovenia	Agency for Communication Networks and Services of the Republic of Slovenia (AKOS)
-	European Commission