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RSPG16-013

PUBLIC DOCUMENT

RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of RSPG#39 on 24 February 2016

RSPG #39
Brussels, 24 February 2016

SUMMARY OF RESULTS

This was the first meeting Chaired by the newly elected Chair Philip Marnick (UK) and co-chaired by the newly elected Vice-Chair Jonas Wessel (SE).

The RSPG adopted:

- a Report on "Efficient awards and use of spectrum";
- an Opinion on the "Review of the RSPP" and
- a work programme for the RSPG for "2016 and beyond".

The RSPG noted the adoption on 29 January 2016 (through written procedure) of an RSPG Opinion on the Digital Single Market (DSM) and the review of the EU Telecoms Framework.

The RSPG also received an oral update from the Commission regarding the Commission proposal to the European Parliament and the Council on the use of the 470-790 MHz frequency band in the Union (the UHF band) and also exchanged views on the outcome of WRC15.

RSPG members also received an update on matters related to bilateral coordination and noted in particular the undertakings by the Italian government regarding the need to resolve outstanding cross border issues related to regional DTT broadcasters whose transmissions are causing interference in neighbouring countries.

The RSPG also agreed to pursue opportunities to develop collaborative activities with BEREC. The Chair also confirmed his intention to organise a public meeting in London to discuss the RSPG work programme with stakeholders on 30th March 2016.

The next meeting of the RSPG will take place on 8th June 2016.

MEETING REPORT

(1) Introduction to RSPG #39

The RSPG Chairman, Mr Philip Marnick (UK), assisted by RSPG Deputy Chairman, Mr Jonas Wessel (Sweden), opened the meeting.

The European Commission was represented by Anthony Whelan, Director for Electronic Communications Networks and Services, DG CONNECT.

(2) Update on Commission Initiatives

The European Commission provided information on the Commission's proposal for a Decision of the European parliament and the Council on the use of the 470-790 MHz (UHF) frequency band in the Union. The Commission confirmed that the proposal had drawn to a very significant extent on the RSPG Opinion on this band (RSPG15-595 Final) and hoped that that the proposal would be addressed and concluded quickly by the co-legislators given the deadlines involved. The Commission also considered that the proposal provided clarity on future arrangements for the sub 700MHz band.

The Commission also thanked the RSPG for the Opinion on the Digital Single Market (DSM) and the Telecoms review (RSPG16-001 Final) adopted by written procedure in January, which provides useful complementary input to that received from the public consultation on the review which ended on 07/12/15.

The Commission also confirmed that a joint declaration on 5G had been signed with Brazil on 22/02/16 at the Mobile World Congress (MWC) in Barcelona. This followed earlier bilateral declarations between the Commission and South Korea (in 2014), Japan and China (both in 2015).

(3) Efficient Awards and use of Spectrum

The Co-rapporteur, Mr Chris Woolford (UK) introduced the 6th progress report of the RSPG working group's activities (RSPG16-003) and the draft report on this subject for adoption (RSPG16-004). Mr Woolford thanked the various stakeholders who had responded to the public consultation on this document in draft form. RSPG members agreed that the report represented a major achievement in terms of the scope of the issues covered and thanked the working group and the rapporteur for their efforts. The RSPG agreed to adopt the report subject to some minor editorial changes.

(4) Review of the RSPP

The Co-rapporteur, Mr Fokko Bos (NL) introduced the 4th progress report of the working group's activities (RSPG16-005) and the draft opinion (RSPG16-06 rev 1) for adoption. Mr Bos thanked the various stakeholders who had responded to the public consultation on this document in draft form, noting that the comments received stressed the need to ensure the availability of spectrum for various user constituencies, and

supported the practice of spectrum sharing while advocating a cautious approach. The Commission welcomed the report but repeated its position from the February 2015 RSPG discussion on the WRC which was that *the Commission would not be able to take account of the part of the opinion that suggested an interpretation of EU law*. The RSPG agreed to adopt the Opinion subject to some minor editorial changes.

(5) RSPG Work Programme for 2016 and Beyond

Mr Bird (UK) introduced the draft work programme, which had also been subject to a public consultation in draft form. Following comments by RSPG members it had been decided to create separate work streams to deal with "Internet of Things" and "Intelligent Transport Systems", while recognising that the two subjects were inter-related. In addition, a new work stream item had been added concerning ongoing RSPG preparatory work on the Telecoms review and the DSM to allow for additional RSPG views pending the adoption of proposals by the Commission in relation to the Telecoms review later this year. The Chairman clarified that position papers should be understood as preparatory documents setting out preliminary considerations with a view to developing a common RSPG view which would be duly set out, as foreseen in the Rules of Procedure, in either opinions or reports.

The Commission recalled the role of the RSPG, as laid down in its Rule of Procedure, to contribute to the preparation of legislative proposals by the Commission in the field of spectrum, or to respond to an invitation by Council or the European Parliament in that respect. The Commission confirmed that the adoption of such proposals was foreseen for September/October 2016 at which point the debate would move to the appropriate institutional fora in the Council and the European Parliament.

The RSPG duly agreed to approve the draft work programme in document RSPG16-007. The RSPG then discussed the appointment of co-rapporteurs for the respective work streams with initial offers coming from:

- France for the work item related to the "Digital Single Market (review of the Telecoms Regulatory Framework)";
- Poland, Germany and the UK for the work item related to "Spectrum aspects of the Digital Single Market";
- Sweden for the work item related to "spectrum related aspects for next-generation wireless systems (5G)";
- Germany for the work item related to "WRC-19 Preparation";
- France and Lithuania for the work item related to "Good offices to assist in bilateral negotiations between EU countries".

It was agreed that additional volunteers to act as co-rapporteurs on the above items and the remaining work items would be invited for appointment by the RSPG in due course.

The RSPG also considered a draft request from the Commission for an RSPG Opinion on "a long-term strategy on spectrum requirements facing the future needs and use of

wireless audio and video PMSE applications". RSPG members expressed the desire that any such text should further underline that the work should relate exclusively to long-term considerations, so as not to interfere with the ongoing discussions regarding the UHF proposal by giving any impression that it might be incomplete. The Commission accepted the invitation to reflect further on the draft request with a view to presenting an amended draft for consideration at the next RSPG meeting.

The Chair also announced his intention to organise a meeting to present the RSPG work programme to stakeholders in London on 30th March (date to be confirmed).

(6) WRC15 Feedback

Mr Alexander Kühn from the German Federal Network Agency and Chair of the CEPT preparatory group for WRC15 provided a summary of the outcomes of the conference, noting the excellent cooperation between the EU Member State representatives and the Commission during the conference and the fact that EU participants had been successful in ensuring that the final outcomes reflected agreed EU policy objectives. CEPT coordination was also very effective. The RSPG Chair thanked Mr Kühn and expressed his view that the lessons learned at WRC15 should be incorporated in preparations for future World Radiocommunication Conferences.

The Chair concluded by proposing that the matter would be considered again at the next RSPG meeting and invited interested parties to collaborate in the interim.

(7) RSPG Opinion on the Framework Review

The Chair noted that this Opinion (RSPG16-001) had been adopted by written procedure on 29th January 2016 and congratulated RSPG members for having finalised the work in an exceptionally short time. The Commission welcomed the Opinion and noted that it provided a valuable additional input to the information and views collected during the public consultation on the review which closed on 07/12/2015. The Commission also thanked the RSPG Chair for presenting the Opinion at the "EU High Level dialogue on Spectrum-related issues" which took place on 3rd February in Brussels, and had been attended by Commissioner Oettinger. Regarding the content of the Opinion, the Commission particularly welcomed the support expressed for the setting of clearer public policy objectives for EU spectrum coordination. The Commission also noted the potential support for some form of "peer review" process that might allow Member State authorities to review each other's national initiatives. The support for the possibility to examine new licensing models for 5G to take account of specificities of certain candidate bands for 5G use and of evolving requirements such as those for connected cars was also appreciated.

(8) EU assistance in bilateral coordination

The Rapporteur, Mr Eric Fournier (FR) presented the 11th progress report of the working group dealing with this issue (RSPG16-008) noting that additional discussion of the respective working group members had taken place during the lunch break. Italy

had confirmed to the Rapporteur that it would publish by 4th March a complete list of the transmitters used by regional broadcasters to be turned off by the end of April. This would then initiate a 60-day period for appeals. Italy undertook to provide by early May a list of channels that have been definitively turned off. Croatia noted that none of the outstanding interference problems being experienced had yet been solved and was concerned that the existing agreed deadline of end of April 2016 may not now be respected. The Commission shared this concern and underlined its expectation that Italy would be able to provide a satisfactory report well in advance of the next RSPG meeting in June, wishing it well in its endeavours to resolve this outstanding matter.

The RSPG Chair concluded by welcoming the milestones announced by Italy, stressing the importance of respecting future deadlines and timely publication and hoping that the situation will be resolved by the next RSPG meeting.

(9) Potential collaboration with BEREC

The Chair informed RSPG members that BEREC had indicated that it wished to develop possibilities for further collaboration. RSPG members welcomed such a possibility and so, to this end, the chair proposed that Ms. Målarstig (Sweden) act as liaison with BEREC to explore the possibilities for a joint workshop on 24th May. This was agreed.

(10) Other Policy matters

The RSPG took note of the Commission's report of recent activities as outlined in document RSPG16-009.

(11) Administrative/organisational matters

The RSPG also took note of a letter received from NATO concerning future harmonisation measures for the use of the 2300-2400MHz frequency band; the RSPG recognised the right of Member States to organise and use their spectrum for public order and security purposes and for defence.

The next RSPG meeting (RSPG#40) will take place in Brussels on 8th June 2016, and the following meeting (RSPG#41) will take place on 9th November 2016.

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