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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) met virtually four times since the 63<sup>rd</sup> meeting of the Radio Spectrum Policy Group. The meetings held on the 26<sup>th</sup> March and 31<sup>st</sup> May discussed general cross-border coordination issues, whilst the meetings held on the on the 4<sup>th</sup> April and 6<sup>th</sup> May discussed cross-border interference issues around Ukraine.

The reports of these meetings are annexed to this progress report and an executive summary of the key discussion points is being provided below.

#### **1. FM harmful interference around Italy**

The Italian working group established pursuant to Legislative Decree 207/2021 and tasked to develop actions on resolving FM cross-border interference problems completed its work and its report is being considered within Government.

One of the actions being considered comprises the adoption of a voluntary compensation scheme. This is still being debated between the competent ministries (i.e. the Ministry of Enterprises and Made in Italy [MIMIT] and the Ministry of Economy and Finance) to determine the amount of funds to be allocated. Subject to the positive outcome of these discussions, it is envisaged that a financial provision be included in the Italian budget law for 2025. This is generally approved towards end 2024, and following its entry into force, the Ministry (MIMIT) will be required to formulate the rules associated to this scheme and the procedures for requesting financial compensation and the related timing for the release of frequencies.

It was confirmed that as per the legal framework regulating FM networks, the nature of the scheme will remain voluntary. In addition, the scheme is expected to provide FM network operators with the opportunity of releasing their entire network. Hence, the renunciation of some of the rights of use of FM radio frequencies will not be permissible. As a result Italy expects that this solution will alleviate the use of FM radio frequencies and consequently will be providing opportunities to resolving specific cross-border harmful interference problems. No precise timeframes were provided but it is anticipated that this process will be taking more than one year.

Whilst noting that Italy’s actions in this regard have been prolonged extensively and as a result no single FM interference case has been resolved, concerns were expressed to the success of the compensation scheme since it was a voluntary one. Its success depends entirely on the willingness of FM network operators to taking-up this scheme. In this regard it was stressed on the importance for Italy to have an efficient voluntary scheme and that the amounts of the compensation should be sufficient. A firm demand was made to Italy to include in its strategy for resolving FM interference problems, alternative approaches in case the voluntary compensation scheme is not sufficient.

Moreover, in order to optimise timeframes, Italy was invited to consider developing the rules associated with the compensation scheme as soon as there is certainty that the scheme will be included in the budget law.

In addition, the Ministry Directorate General is also working with its regional offices to define a clear and more robust path for the actions that will be undertaken with the operators to resolve FM interference cases. This work should lead to limit risks associated with litigation cases which may be initiated by operators. In this regard reference was made to article 45 of the European Electronic Communications Code (EECC) on the need for compliance with international law and that cross-border harmful interference was not permissible.

It should be underlined that in the current circumstances it was not possible for the SG to start discussing a roadmap addressing the FM harmful interference problems of Croatia and Slovenia as per the direction given by RSPG #59 (November 2022).

### ***1.1 Interference affecting France***

The single harmful interference case reported by France concerning the FM station in Bonifacio (Corsica) on 88.3 MHz remains unresolved.

Italy and France had several bilateral meetings to address FM related issues. Given that agreement could not be reached on a measurement methodology, the compatibility assessment of FM stations is being based on simulations. The results of these simulations are being considered and should be subject to further bilateral discussions (in June) due to divergent views. Nonetheless, France and Italy exchanged coordination agreements for two FM stations each.

Regarding the case concerning French FM transmissions from Elba island, progress was made and a draft agreement was proposed which is still being considered by France. Italy confirmed its commitment to regularise these stations unauthorised stations on its territory.

### ***1.2 Interference affecting Malta***

No developments were reported by Malta on the pending FM interference cases. Malta expects that progress on the various interference cases be registered in the frame of the Italian working group report concerning the FM band.

### ***1.3 Interference affecting Slovenia***

The FM harmful interference situation in Slovenia remains unchanged since no interference cases were resolved. In the circumstances Slovenia requested the European Commission (EC) to intervene through legal means since in its view, this was the only approach leading to the resolution of harmful interference problems.

In addition, as an alternative to the voluntary compensation scheme Slovenia suggested that Italy should switch-off all of the uncoordinated FM stations.

#### ***1.4 Interference affecting Croatia***

No progress was reported by Croatia to the FM harmful interference situation and expressed disappointment that no single interference case has been resolved. Croatia expressed concerns that due to better propagation conditions, the effects of interference in the summer period will cause more damage to its FM broadcasting sector. Croatia requested Italy to taking effective action before the situation worsens, including in particular actions to address the interference affecting its station at Biokovo.

Croatia supported Slovenia's request for the EC in taking action against Italy. In response, the EC representative referred to a letter the EC has sent to Italy earlier this year and confirmed that the initiation of legal action against Italy is not excluded.

## **2. DAB interference around Italy**

The countries neighbouring Italy confirmed that they were currently not experiencing any DAB harmful interference caused by Italian transmissions.

However, based on the results of its monitoring campaign, Croatia noted some possible irregular practice by Italy, which results in non-conformity with the GE06, namely:

- Italy's use of DAB frequencies not allocated to a specific region (frequency blocks: 7D, 12A, 12C); and
- Italy's use of its GE06 allotments without corresponding coordinated assignments (frequency blocks: 12B, 12D).

Montenegro reported that the uncoordinated Italian DAB transmissions on 12C from the Puglia region are of concern and requested Italy to cease operations of these transmissions as soon as possible. These transmissions will cause harmful interference to the planned DAB station of Montenegro which is expected to be put in operation in the short-term.

Italy stated that these transmitters descend from old authorisations issued in 2014 and confirmed that frequency block 12C in the Puglia region will be switched-off by end September 2024 at the latest, and that in the Abruzzo region by end 2024. Italy however committed to investigate this matter and confirmed that in line with the Italian provisional DAB plan, the DAB stations will be operating on Italy's GE06 rights and some of these stations were still in the migration phase.

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

The Adriatic and Ionian group reconvened on the 29<sup>th</sup> February 2024 where all parties showed the good will to restart and finalise the process. Subsequent meetings were held on the 5<sup>th</sup> April and 17<sup>th</sup> May and the Group plans to have its final meeting in Croatia in September/October 2024.

The following summarises the key issues which are still under discussion within the Adriatic and Ionian Group:

- Frequency coordination issues between Albania and North Macedonia.
- Results of technical analysis which identified some non-conformity with the draft frequency distribution plan.
- Situations where a station outside the coordination zone has the potential of causing harmful interference to other countries within the coordination zone.
- The withdrawal of existing GE06 rights which are not in accord with the frequency plan of the Adriatic and Ionian agreement.
- The requirement to seek San Marino's explicit consent on the frequency plan of the Adriatic and Ionian agreement.

Bi/multilateral meetings are planned to be held between Albania, Bulgaria, Greece, North Macedonia and Serbia in July where solutions are expected to be found on any remaining issues. The SG notes that there is a good spirit of cooperation between North Macedonia and its neighbouring countries which augur well to a successful outcome of the process.

### **4. 700 MHz interference**

The SG debated cases of harmful interference caused by the TV transmissions of Albania to the wireless broadband electronic communications networks of Greece, Italy and Montenegro.

Greece and Italy submitted interference reports to Albania using the Appendix 10 form of the ITU Radio Regulations. Greece reported this interference on TV channels 52 and 53 and possibly on other channels. The Italian interference is present in the Puglia region on TV channels 53, 56, 57 and 59. Montenegro reported interference on TV channel 51.

These interference reports are being investigated by Albania but it is finding challenges in the replanning process of its seven national television multiplexes due to a lack of available frequency resources. Although efforts are being done to find solutions to these problems a precise timeframe when the reported interference is expected to be resolved could not be provided.

During the discussion Albania confirmed its intention to releasing the 700 MHz band from broadcasting use but some delays were experienced to finalise the process and establish a timeline. Albania also confirmed that there are no political obstacles that are preventing it from making the 700 MHz band available for 5G.

**5. External related issues**

Dedicated meetings of the Good offices are taking place between Ukraine and the EU countries experiencing harmful interference in the 700 MHz band, namely, Hungary, Poland, Romania and Slovakia. Meetings were held on 4 April and 6 April, and an additional meeting will be taking place on 12 June.

As a first stage, the affected countries analysed the interfering situation and identified those stations which are contributing more to the interference situation on channels 50 to 53. Ukraine stated that for the replanning process the sum of around €2.8M was required and that it lacked technical expertise. Ukraine stressed that the requirement to retune their television transmitters by certified experts was critical in order to prevent technical errors and to avoid stopping the operation of their television networks during war, where it was imperative to secure the conveyance of information securely.

When discussing the financial related matters, the EC observed that for the past years Ukraine was provided financial support for the implementation of EU legislation and therefore Ukraine must find the resources to migrate its transmissions so that the interference is eliminated.

Regarding the capacity building of Ukrainian's technicians, Poland offered to organise a webinar to exchange best practices in releasing the 700 MHz band.

The discussions with Ukraine are continuing.

**6. Date of next meeting**

The SG will be holding its next meetings on the 22<sup>nd</sup> October 2024 (09:30-12:30hrs.) in virtual format.

## ANNEX I

## REPORT

## RSPG SUB-GROUP

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

Web meeting, 26<sup>th</sup> March 2024

The co-chairs welcomed the participants to the meeting of the RSPG Sub-Group of the ‘good offices’. The draft agenda of the meeting was then considered and subsequently approved.

**1. FM interference around Italy**

***Update from Italy on the work done by the working group dealing with FM interference***

Italy reported that the working group established under Legislative Decree 207/2021 has completed its work and its report was circulated internally for review. Work was ongoing on two important areas, namely: (i) to define a clear and more robust path for the actions that will be undertaken with the operators to resolve the interference cases, and (ii) the voluntary compensation schemes.

Regarding the first area Italy highlighted that this activity is necessary to mitigate risks associated with litigation cases which may be initiated by operators against regional offices in relation to the implementation of actions necessary to resolving cases of harmful interference. Some ideas on how the procedures can be improved were identified. Internal coordination with the local offices will take place leading to the implementation of the set of actions. As to the second area, Italy stated that the voluntary compensation schemes form part of a strategy for increasing and improving the availability of the DAB platform. Activities were being undertaken on finding the funds and on defining the mechanism supporting this voluntary measure. The adoption of a legislative instrument on this specific measure was foreseen, which will contribute to free bandwidth in the FM band and hence to migrate FM interfering stations. No timeframe could be provided when the said legal instrument will be adopted and when the voluntary compensation scheme is expected to become effective.

The report includes some other measures which are earmarked for implementation in the medium-long term.

In terms of the first set of actions, together with their local offices Italy will be defining the exact procedure to be undertaken with the operators. A focus group with the local offices will be set up to work on this specific matter and this activity is expected to be completed in around April/May 2024. Subsequently, actions will be taken on a case-by-case basis with the respective operator, taking into account the priority list of interference cases as established by

the affected countries. Although no explicit details were provided on the procedures, Italy foresees that the interference cases need to be formally presented to their operators afresh. Consequently, the operators will be requested to design a solution and subsequently be evaluated by the administration to determine its effectiveness to solving the cross-border interference. The administration will propose technical solutions for those cases where the solution presented by the operator is not satisfactory.

Italy stated that sharing the report with the EC, as suggested in the previous good offices meeting was under evaluation. Due to some confidentiality issues, the report in its current form would need to be adapted if it decided to send it to the EC.

Italy confirmed that the report aims to address the concerns raised by Slovenia on the interpretation of international law concerning radio spectrum. Italy was considering how to formulate the guidelines without contradicting other instruments.

Regarding Italy's activities under (i) above, the EC representative stated that the Italian administration should refer to the EECC (e.g. article 45) and explain to the operators that pursuant to the EECC and international law, cross-border interference is not permissible. This will also send a clear message to the courts in case the operators decide to use legal means to oppose to actions enforced by the administration. Regarding the voluntary compensation schemes, the EC asked about the advantages for operators opting to using this scheme.

Italy clarified that some past litigation cases were analysed and resulted that in some cases, the courts rejected the actions requested by the administration based on procedural aspects (i.e. on the form and not on the merits). Regarding the compensation scheme, the details on how this scheme will work needs to be defined. It considered that the cost element is a key advantage to the operators, especially for those that are transmitting their broadcasting content in simulcast. The fact that many users still depend on the FM platform is a relevant consideration.

Croatia considered that at this stage it was important to clearly define the actions and timelines. It emphasised on the importance to share the report with the good offices or with the EC to understand what concrete measures can provide benefits towards improving the harmful interference situation and Italy's compliance with Article 45 of the EECC. As to the voluntary compensation scheme Croatia considered that such a scheme may not be sufficient and, in that case, Italy is to prepare in a timely manner, further administrative measures which would cease harmful interference of uncoordinated Italian FM stations.

Italy considered important to have the voluntary compensation scheme in place to offer the possibility to free some FM frequencies. Additional clarity on the concrete actions with timelines could not be provided at this stage, but expressed confidence that the process will be commencing in the next months.

Following a question from France, Italy confirmed that the voluntary compensation scheme was still under-study to assess the financial related implications and to seek political clearance. The specific law that needs to be adopted (if political consent is granted) will include all relevant details. It was therefore premature to commit when this scheme will become operational. Regarding the Bonifacio case, in view of the bilateral discussions taking place with France,

Italy suggested to study again this interference case, taking into account the real situation in Sardinia. The bilateral discussions in this regard were optimistic.

Italy also clarified that working with their regional offices did not require political clearance and this working method was already applied. Some improvements to the current procedures of the local offices were identified, especially as regards international interference.

Slovenia expressed its discontent to the situation since no concrete improvements to the harmful interference situation could be registered, and the situation could no longer be tolerated. Regarding the voluntary compensation scheme, Slovenia considered that this will not be sufficient to resolve the interference cases. Referring to the conclusions of the 95<sup>th</sup> meeting of the Radio Regulations Board, Slovenia urged Italy to cease the operation of all uncoordinated FM and DAB stations not registered in the relevant ITU plans. Slovenia reiterated its request to the EC to intervene against Italy through legal means.

Croatia queried on the concrete steps that will be undertaken by Italy to address the harmful interference case affecting their station at Biokovo on 89.7 MHz. The Italian stations causing the interference are Radio Kiss Kiss and Radio Play Capital. Italy stated that it envisages to discuss the specific case with their local offices in order to clarify the steps that may be undertaken. The procedure will be strengthened prior to initiating a dialogue with the relevant operators. It was imperative to have a transparent process where the interference case is presented to the operators and request them to propose a solution. The administration will be imposing more drastic solutions for those operators' solutions which are not effective to resolving the interference case.

The EC representative then referred to article 258 of the EU Treaty (TFEU) which gives the right to the EC to act against a Member State. The EC has already triggered an informal process with Italy but this may lead to taking some formal actions. Reference was also made to TFEU article 259 by virtue of which a Member State can take action against another Member State. It was clarified that EU law includes clear obligations concerning compliance with international law and national courts will have difficulties to avoid the application of these obligations especially if the case is referred to the EU Courts of Justice for a preliminary ruling.

In conclusion, the good offices recognised the efforts put by Italy on resolving FM harmful interferences and the progress made in this regard. It was however noted that Italy is still deliberating on some action points of the report in order to develop a more robust framework. The good offices encouraged Italy to complete its work as soon as possible so that the relevant measures can start to be implemented. Italy was also encouraged to, at the earliest opportunity, share the details of their internal report so that the affected Member States are provided with better visibility on the measures that are expected to be undertaken with any associated timeframes.

### ***Italy-France***

France reported that no progress was made on the pending interference case and that the progress on the assessment of the French notifications to modify the GE84 plan was limited.

France remarked that the collaboration with Italy on digital broadcasting technologies was positive but it was challenging as regards the processing of French notification requests for FM and other services such as fixed links.

Italy observed that the situation between FM and DAB/DVB-T was different and problems associated with the FM band are attributed to a legacy situation. Italy also referred to challenges associated with resources, which result in delays in providing comments to notification requests submitted by other administrations.

France also reported that it received the draft agreement for the French stations operating from Elba island. The agreement was being reviewed and liaison will continue with Italy on the matter. France also received the Italian database of FM stations relevant to areas under discussion. Bilateral discussions between France and Italy will continue and priority will be given on the simulation exercise to assess the compatibility of FM stations.

#### *Italy-Malta*

No progress reported. Malta noted that it expects that progress on the interference cases be registered in the frame of the Italian working group report concerning the FM band.

#### *Italy-Slovenia*

No progress reported and called to Italy to take immediate actions towards resolving the interference cases.

#### *Italy-Croatia*

No progress reported. Croatia observed that the summer period will provide better propagation conditions of radio waves and as a result the FM harmful interference situation is expected to worsen. It requested Italy to take effective action before this period.

## **2. DAB interference around Italy**

Italy stated that as a result of the temporary measure it has implemented, no cases of DAB interference caused by Italian networks were present. This was confirmed by Slovenia.

Croatia committed to review the most recent monitoring data and to indicate the presence of DAB interference, if any, via email.

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

The Adriatic and Ionian group reconvened on the 29<sup>th</sup> February 2024 where all parties showed the goodwill to restart the process and to finalise the process. The meeting served to reconsider the text of the draft agreement in order to make it clearer.

The group is planning to meet next in April, May and June and will be having its final meeting in September, in Croatia. In the interim, the group will endeavour to address the open issues, where a key issue comprises how to treat a proposal to include an annex concerning the technical characteristics of all planned DAB stations which still need to be assessed.

Whilst all issues between Albania and Italy were found, Albania and North Macedonia still need to reach agreement on the frequency arrangement in the respective coordination area.

Albania reported that on the 15<sup>th</sup> March it received a proposed VHF channel distribution plan from North Macedonia, which was being analysed. Albania expects to finalise its assessment in a two-week timeframe and to share their results with North Macedonia and with the Adriatic and Ionian group.

North Macedonia reported that all neighbouring countries administrations except Serbia were informed on their proposed VHF channel distribution plan. In developing this plan North Macedonia made huge compromises especially for DVB-T, in order to accommodate the already agreed channels of their neighbouring countries. North Macedonia expressed its readiness to cooperate with the concerned countries and expected to receive a similar treatment as regards its frequency requirements.

Greece confirmed that the request from North Macedonia was analysed and was willing to have bilateral discussions with North Macedonia to specifically discuss their VHF channel distribution plan as well as FM frequency coordination requests. The proposal to hold a bilateral frequency coordination meeting was welcomed by North Macedonia.

Croatia considered important that the arrangement between San Marino and Italy on the use of the VHF band is also shared with the group. Croatia stressed that any use by San Marino of certain VHF channels shall not result in the imposition of restrictions to countries located in the Eastern side of the Adriatic and Ionian sea, due to the exclusive arrangement of such channels. Croatia also conveyed their proposal to the group that following signature of the Adriatic and Ionian agreement for the VHF band, the agreement is distributed to the RSPG and ITU to inform them on the future actions that are expected to be undertaken by the parties to the agreement.

Italy clarified that an agreement was reached with San Marino on the use of the VHF band. This agreement, which is in the form of a letter will be circulated to the Adriatic and Ionian group before their next meeting. From their perspective Italy considers that this letter provides the necessary guarantees as regards the use of the VHF band by San Marino.

In conclusion, the Good offices welcomed the positive progress made on the development of the Adriatic and Ionian regional agreement for DAB and thanked the relevant parties for their willingness to seek closure on this outstanding and important topic by September. The meeting

also augured Greece and North Macedonia to have positive bilateral frequency coordination discussions.

#### **4. 700 MHz interference**

##### ***Albania-Italy***

Italy reported that it was still collecting information necessary to compile the requested Appendix 10 interference reports. The transmission of these reports to Albania was foreseen shortly.

Albania explained that it aims to release the 700 MHz band for mobile electronic communications services, but work was still in progress. No timeline has so far been established when this release may be realised.

##### ***Albania-North Macedonia***

North Macedonia is still experiencing harmful interference on the 700 MHz band. A transitory arrangement concerning Albania's TV transmissions on channel 51 was implemented, but solutions still need to be found to migrate TV channels 52 and 53. A potential solution to migrate channel 53 to 57 was being considered. Albania was having difficulties to find vacant TV channels for migration during the transitory period.

North Macedonia stated that due to the interference, its mobile operators requested Government for financial compensation. It therefore reiterated its appeal to Albania to eliminate the 700 MHz interference, with urgency.

##### ***Albania-Greece***

Greece informed the Good offices that the mobile sector is experiencing 700 MHz harmful interference caused by television stations located in Albania, operating on channels 52, 53 and possibly on other channels. This interference is detected in various areas located in the western side of Greece. Although various letters and Appendix 10 interference reports were sent to Albania to take the necessary action to eliminate this interference, the interference problem remains unresolved. Greece requested Albania to take immediate action to resolve this interference.

Albania stated that the Greek interference reports were also being analysed and efforts being made to identify free channels for migration. Albania confirmed its goodwill to eliminate the interference as soon as possible.

**5. Cross border activities with non-EU countries**

The Good offices was informed that a dedicated meeting will be held with Ukraine to specifically discuss harmful interference caused by Ukrainian TV transmissions to the 700 MHz mobile electronic communications networks of EU neighbouring states.

**6. Any other business**

Montenegro referred to reports provided in previous meetings concerning frequency coordination discussions with Albania on the use of the sub-700 MHz band. Montenegro provided a general update on the most recent set of actions and requested Albania to respond to their latest communicated dated the 29<sup>th</sup> February 2024.

Albania confirmed that it was in the process of finalising its analyses and committed to reply to Montenegro's letter in the next days.

**7. Date of next meetings**

The Sub Group will be holding its meeting on the 31<sup>st</sup> May 2024 (09:30-12:30hrs), virtually.

## List of participants

No. of participants: 37

Country	Organisation
Albania	Authority for Audiovisual Media (AMA)
	Albanian Authority for Electronic & Postal Communications (AKEP)
Austria	Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR)
Bulgaria	Ministry of Transport and Communications
Croatia	Croatian Regulatory Authority for Network Industries (HAKOM)
France	French National Frequency Agency (ANFR)
Greece	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)
Montenegro	Agency for Electronic Communications and Postal Services of Montenegro (EKIP)
North Macedonia	Agency for Electronic Communications (AEC)
Poland	Ministry of Digital Affairs
Slovakia	Regulatory Authority for Electronic Communications and Postal Services
Slovenia	Agency for Communication Networks and Services of the Republic of Slovenia (AKOS)
	Ministry of Digital Transformation
Sweden	Swedish Post and Telecom Authority (PTS)
-	European Commission RSPG Chair RSPG Vice-Chair

## ANNEX II

### REPORT

#### RSPG SUB-GROUP

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

Web meeting, 31<sup>st</sup> May 2024

The co-chairs welcomed the participants to the meeting of the RSPG Sub-Group of the ‘good offices’. The draft agenda of the meeting was then considered and subsequently approved.

#### 7. **FM interference around Italy**

##### *Update from Italy on the work done by the working group dealing with FM interference*

The report prepared by the Italian working group established under Legislative Decree 207/2021 concerning the FM band is still being considered internally. The proposed solution to adopt a voluntary compensation scheme is still subject to discussions between the competent ministries (i.e. the Ministry of Enterprises and Made in Italy and the Ministry of Economy and Finance) to determine the amount of funds to be allocated to this scheme. Subject to the positive outcome of these discussions, it is envisaged that a financial provision be included in the budget law for 2025. Approval of the law is likely to take place towards the end of December 2024, and after its entering into force, the Ministry of Enterprises and Made in Italy will have to define the rules and procedures for requesting financial compensation and the related timing for the release of frequencies.

Italy confirmed that as per the applicable legal framework regulating FM networks, the nature of the scheme will remain voluntary.

The scheme is expected to provide FM network operators with the opportunity to releasing their entire network. Consequently, the partial renunciation by operators of rights of use of radio frequencies corresponding to part of the network will not be permissible. The release of frequencies by FM networks not causing harmful interference to neighbouring countries will also be beneficial since such a release provides opportunities to find solutions to specific cross-border interference problems.

Italy has agreed that the released frequencies can be re-used as long as the usual coordination procedures are followed.

In terms of timeframes, more than one year is required for the affected countries to start reaping benefits from this scheme. It was suggested that once there is certainty on the inclusion of the voluntary compensation scheme in the budget law and on the associated amounts, Italy should start developing the relevant rules to minimise the implementation timeframes.

The work between the concerned Ministry's General Directorate and the regional offices on defining a clear and more robust path for the actions that will be undertaken with those operators causing cross-border interference, is still ongoing. The local offices are also aligning the Ministry's databases of FM stations with the status of authorisations.

Italy confirmed that the suggestion made in previous meetings to share the report of the Italian working group with the European Commission (EC) was accepted, but work needs to be done to make the report suitable for external use. Italy explained that the report was intended for internal use and sharing the report in the current format may lead to false expectations.

The EC representative queried on the likelihood that the scheme will be accepted by the Ministry of Economy and Finance and what will the FM operators benefiting of the scheme get in return in terms of spectrum assignments. The EC referred to Italy's obligations to comply with international law and emphasised on the need that the established amounts of the scheme should be sufficient.

In response, Italy stated that discussions on the amount of the compensation scheme are still ongoing. In line with previous discussions, it was not possible and feasible to link the switching-off of FM networks with a simultaneous mandatory migration for DAB networks. Whilst rights of use of radio spectrum for the deployment of some national DAB networks were already issued, a process is underway leading to the issuance of rights of use for local DAB networks. This approach will allow DAB networks to proliferate and concurrently provides an alternative to FM networks. Due to the financial implications associated with the operation of an FM and a DAB network providing the same content, the compensation scheme provides an opportunity for the operators to reduce their operational costs.

France stated that it has great expectations on the process to be implemented by Italy since in addition to resolving interference problems, the process leads to the use of FM radio spectrum in an equitable manner. This was possible in both the UHF and DAB bands. France indicated that their French Broadcasting Authority (ARCOM) sent a letter to the French Embassy in Italy to make them aware of the situation and to highlight the importance of the issue. France requested the EC to intervene in the process with Italy.

In response the EC representative stated that the best approach is for an affected Member State to apply the provisions of article 28(3) of the European Electronic Communications Code (EECC) by requesting the support of the RSPG Good Offices.

Italy considered that the success of the process in Italy as regard the UHF band shall also be attributed to external triggers, such as the EU Decision on the 700 MHz band. No similar trigger exists for the FM band. Italy remarked that the situation in the FM band is complex, even since

the band is overcrowded, and in adopting the foreseen actions the cooperation of the countries is required.

In the absence of specific EU legislation concerning the FM band, the co-chairs considered that article 45 of the EECC should be considered as the trigger to take action to resolve the harmful interference problems with urgency.

Croatia expressed doubts on the success of the process described by Italy, particularly since it is a voluntary one. In this regard Italy was requested to consider the adoption of alternative set of actions leading to Italy's compliance to article 45 in a timely manner.

Slovenia expressed its disappointment to the lack of progress made by Italy in the process of resolving the FM harmful interference problems and stressed that no single interference case has been resolved. Slovenia underlined that the requirement to comply with ITU rules and EECC article 45 is a mandatory legal requirement and expressed difficulty in understanding Italy's non-compliance with these legal norms. Slovenia also expressed a lack of confidence to the success of the voluntary compensation scheme.

The EC representative supported the comments made by Croatia and Slovenia and to the fact that voluntary schemes are beneficial if they are efficient. The course of action by Italy has been prolonged extensively and its success depends entirely on the FM broadcasters taking-up the voluntary compensation scheme. Hence it was stressed on the importance for Italy to implement an efficient scheme and to have alternative set of actions (plan B).

In view of the comments made, Italy committed to relay the concerns expressed internally in order to develop a strategy based on different actions.

In conclusion, the Good Offices emphasised on the importance for Italy to adopt a compensation scheme which is efficient and to in parallel develop alternative approaches to be implemented in case the said scheme is not sufficient. Italy's efforts in this regard must lead to full compliance with article 45 of the Code, including the ITU instruments.

### ***Italy-France***

France reported that no progress was made on the pending interference case and provided an overview on the two bilateral discussions held since the last Good offices meeting.

The bilateral discussions concerning the compatibility of frequency assignments focus on an approach based on simulations since no agreement could be reached to carry out technical assessments through measurements. Some simulation results started to be evaluated including some strong restrictions proposed by Italy to French coordination requests. France has a divergent view on the results of the studies presented by Italy and the matter should be considered at the next bilateral meeting in June 2024. France clarified that in the application

of the equitable access principle it cannot accept strong restrictions to protect uncoordinated Italian FM assignments. France expressed confidence that a way forward will be found at a future bilateral meeting.

France and Italy exchanged coordination agreements of two FM stations each, and the relevant procedures may now be undertaken in accordance with the GE84 Agreement.

Regarding the case concerning the French stations operating from Elba island, progress was made but some aspects still need to be clarified such as who will be the owner of the license. Italy confirmed its goodwill to regularise the position of these unauthorised French stations that continue to operate on Italian territory.

Italy noted that with France, the real FM situation in Italy is also being considered to, as far as possible, limit the impact on the uncoordinated assignments of Italy. Italy also noted that switching-off these assignments is not an option.

#### ***Italy-Malta***

No progress reported. Malta noted that it expects that progress on the interference cases be registered in the frame of the Italian working group report concerning the FM band.

#### ***Italy-Slovenia***

No progress reported. Slovenia emphasised that it was critical for the EC to intervene through legal means since this was the only approach leading to the resolution of interference problems.

It considered that the alternative to the voluntary compensation scheme should consist in the switching-off of all uncoordinated FM stations. This leads to Italy meeting its obligations under the ITU Radio Regulations and the EECC.

#### ***Italy-Croatia***

No progress reported. Croatia stressed that the summer period will provide better propagation conditions of radio waves and as a result the FM harmful interference situation is expected to worsen. It requested Italy to take effective action before this period, especially as regards the Croatian station at Biokovo.

Croatia supported the appeal made by Slovenia to the EC concerning the initiation of action through legal means.

In response, the EC made reference to the letter sent to Italy earlier this year and confirmed that the initiation of legal action against Italy is not excluded.

## 8. DAB interference around Italy

Croatia reported on the results of its DAB monitoring campaign.

Croatia stated that it was currently not experiencing any DAB harmful interference. However, it reported some possible irregular practice by Italy resulting in non-conformity with the GE06 Agreement, namely:

- Italy's use of DAB frequencies not allocated to that specific region (frequency blocks: 7D in Marche, Emilia-Romagna, Veneto and Friuli-Venezia Giulia allotments; 12A in Teramo and Pescara allotments; 12C in Puglia allotments); and
- Italy's use of its GE06 allotments without corresponding coordinated assignments (frequency blocks: 12B in Abruzzo region, 12D - in Veneto region).

Italy reported that on 1<sup>st</sup> October 2020, Slovenia and Croatia agreed to Italy temporarily use of block 7C to be transmitting from Porzus-UD, Marghera-VE, Lusiana-VI and Rubbio-VI. However, the agreed deadline to use those 4 transmitters was the signature of the VHF Adriatic-Ionian agreement, but not later than the 31<sup>st</sup> August 2021.

Italy stated that the above-mentioned transmitters descend from old authorisations issued in 2014. Block 12C in Puglia will be switched-off by end September 2024 at the latest, and that in Abruzzo by end 2024.

Montenegro reported that the uncoordinated Italian DAB transmissions on 12C from the Puglia region are of concern and requested Italy to cease operations of these transmissions as soon as possible. Montenegro stated that these transmissions will cause harmful interference to its station which is planned to be put in operation in the short-term. Montenegro clarified that 12C is assigned to it under the GE06 agreement and this status is expected to remain under the regional agreement for the Adriatic and Ionian region.

Italy clarified that during an experimental phase, DAB stations were permitted to using GE06 frequency blocks not registered to Italy in that specific region. In the interim, the provisional DAB plan for Italy established an approach where for the Eastern part of Italy, only GE06 rights shall be used. It was observed that some of the existing networks are still in the process of aligning to the GE06 rights.

As an information point Italy stated that following a beauty contest held recently, EuroDAB won Lot no. 3 and the public broadcaster RAI won Lot no. 1. EuroDAB will be migrating its operations from 12A to another frequency block in line with the GE06 Agreement.

In the circumstances Croatia was requested to share the results of its measurements with Italy via email<sup>1</sup>. Italy reserved the possibility to examine Croatia's claims in order to verify the situation.

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<sup>1</sup> The results of the measurements were shared immediately after the meeting.

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

Italy presented a general update on the activities taking place within the Adriatic and Ionian group, which met virtually on the 5<sup>th</sup> April and 17<sup>th</sup> May. The draft agreement includes general provisions and a frequency distribution plan comprising allotments and assignments.

Whilst some of the frequencies will be exclusively designated for use by a specific country, others will be used on a shared basis. The general framework will also provide the possibility to increase the number assignments, subject to respecting certain rules.

Prior to the last meeting, Italy presented its preliminary analysis on the assignments proposed by the other countries. During this process it identified those assignments which were deemed not to be in accordance with the draft plan. Discussions are still taking place on how to address these issues. At the same time, Italy is still waiting to receive the analysis of its assignments from the other administrations.

Discussions are also addressing situations where a station outside the coordination zone has the potential of causing harmful interference to other countries within the coordination zone. One aspect to be taken into account is that the coordination area is very large on the Italian side compared to the eastern side, which is why this problem may occur asymmetrically, afflicting Italy to a greater extent.

Whilst there is a general agreement that new assignments shall be registered in the GE06 Agreement, the group is still discussing the possibility of withdrawing existing GE06 rights that are not in accordance with the Adriatic and Ionian plan. Greece and Italy deemed that it will not be feasible to withdraw GE06 plan entries mainly due to reasons associated with neighbouring countries.

A good cooperation is taking place between Albania and North Macedonia with the aim of resolving the open issues. A bilateral meeting was also held where comments to North Macedonia's proposals were exchanged. Subsequent to that meeting North Macedonia submitted revised proposals which still need to be studied by Albania. Albania expects to submit its comments during the first week of June.

North Macedonia stated that it submitted its proposed frequency distribution plan to Albania, Greece and Serbia and has analysed all proposals received from neighbouring countries. Regarding Bulgaria, North Macedonia is finalising its data and expects to hold bilateral talks soon. North Macedonia indicated that bi/multilateral discussions are planned to take place during the second week of July with Albania, Greece, Serbia, and Bulgaria. It confirmed that progress has been made on the various open issues with neighbouring countries and expressed confidence that mutual solutions will be found.

Greece reaffirmed its reservation on the withdrawal of those GE06 plan entries which are not in line with the frequency plan of the Adriatic and Ionian agreement. Further, Greece stated that it received the proposal from North Macedonia and supported the holding of bi/multilateral talks with all concerned countries with the aim of resolving all open issues.

Croatia made reference to previous discussions concerning San Marino. Although San Marino supported the review of the GE06 plan in the region, it was imperative that San Marino gives its explicit consent to the frequency plan forming part of the Adriatic and Ionian Agreement. In particular that refers to the technical parameters of the assignments from the Eastern side of the Adriatic-Ionian Sea using exclusive channels, which are to be submitted for modification of the GE06 plan, after signature of the Adriatic and Ionian Agreement.

Italy reported to the meeting what had already been shared in the Adriatic-Ionian Group, namely that there is an agreement between Italy and San Marino covering various aspects, including San Marino's commitment not to oppose the changes to the GE06 Plan that will result from the signing of the agreement. San Marino has issued a letter of commitment to this effect, which has already been circulated within the Adriatic-Ionian Group.

In conclusion, the Good offices noted the progress made by the parties in finalising the Adriatic and Ionian regional agreement and encouraged them to maintain the good spirit of cooperation with a view to resolving the remaining open issues.

## **10. 700 MHz interference**

### ***Albania-Italy***

Italy confirmed that it sent the formal interference report to Albania using the ITU Appendix 10 forms. The report describes the harmful interference experienced by Italian mobile networks in the 700 MHz band mainly in the Puglia region, due to Albanian TV transmissions on channels 53, 56, 57 and 59. Italy informed that harmful interference became critical and expects to worsen in the summertime due to better propagation conditions. It requested Albania to cease its TV transmissions on these channels as soon as possible.

In response, Albania stated that they cannot find empty resources for replanning their 7 national multiplexes. Nonetheless, they are trying to find solutions to the interference problem reported by Italy and by other neighbouring countries in the nearest possible timeframe.

The EC representative asked if Albania has a clear plan to releasing the 700 MHz band, even since Albania is in the process of joining the EU and is required to comply with EU legislation. The requirement to designate and make available for 5G in the 700 MHz has been included in EU legislation for quite some time, and Albania was late in terms of the process.

Albania stated that the technical plan on the release of the 700 MHz band is available, but there are delay in the governmental related processes. No clear deadline is so far set for releasing the 700 MHz band, but expects to establish this date soon.

No precise timeframe could be provided by Albania on when the 700 MHz is expected to be released for mobile services. Albania confirmed that there are no political obstacles that are preventing it from making the 700 MHz band available for 5G and that this release was one of their main objectives.

### *Albania-Montenegro*

Montenegro reported on a new harmful interference case due to TV transmissions on channel 51.

Albania acknowledged this interference claim and promised to investigate the situation.

## **11. Cross border activities with non-EU countries**

The co-Chair provided a summary on the discussions taking place with Ukraine and the neighbouring countries affected by the TV transmissions of Ukraine in the 700 MHz band. Two virtual meetings of the Good offices were held on 4 April and 6 May between Ukraine and Poland, Slovakia and Hungary and an additional meeting is planned for 12 June.

As a first stage, the affected countries analysed the interfering situation and identified those stations which are contributing more to the interference situation on channels 50 to 53. Ukraine stated that for the replanning process the sum of around €4.5M was required and that it lacked technical expertise. For this process, training needs to be provided to at least 5 technical persons. Poland proposed to organise a webinar to exchange best practices in releasing the 700 MHz band.

Regarding the situation concerning Cyprus, the EC representative informed that there was no new information available.

## **12. Date of next meetings**

The Sub Group will be holding its meeting on the 22 October 2024 (09:30-12:30hrs), virtually.

## List of participants

No. of participants: 26

<b>Country</b>	<b>Organisation</b>
Albania	Authority for Audiovisual Media (AMA)
	Ministry of Infrastructure and Energy
Croatia	Croatian Regulatory Authority for Network Industries (HAKOM)
France	French National Frequency Agency (ANFR)
	French Regulatory Authority for audio-visual and digital communication
Greece	Ministry of Digital Governance
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)
Montenegro	Agency for Electronic Communications and Postal Services of Montenegro (EKIP)
North Macedonia	Agency for Electronic Communications (AEC)
Poland	Ministry of Digital Affairs
Slovenia	Agency for Communication Networks and Services of the Republic of Slovenia (AKOS)
	Ministry of Digital Transformation
-	European Commission

## ANNEX III

## REPORT

## RSPG SUB-GROUP

“Good offices” to assist in bilateral negotiations between Member States  
Harmful interference caused by Ukraine to neighbouring EU Member States  
in the 700 MHz band

Web meetings, 4<sup>th</sup> April and 6<sup>th</sup> May 2024

*The RSPG Sub-Group of the ‘good offices’ (SG) organised two meetings to discuss cross-border harmful interference issues caused by the terrestrial television networks of Ukraine (UA) to the wireless broadband electronic communications (WBB) networks of neighbouring EU member states, namely Poland, Slovakia, Hungary and Romania. The meetings were held online on 04.04.2024 and 06.05.2024. The list of participants is attached in Annex 1.*

*Prior to the first meeting, following liaison with all affected EU member states, the SG sent a questionnaire to UA to receive information on whether any mitigation measures could be implemented by UA to reduce the TV interference caused to the WBB networks of the affected countries in the 700 MHz frequency band.*

The co-chairs welcomed the participants to the meeting of the RSPG Sub-Group of the ‘good offices’ with the aim of discussing 700 MHz harmful interference caused by UA’s TV transmissions to the WBB networks of EU neighbouring states.

The UA informed the meeting that television licenses were issued to the private company Zeonbud LLC, and will be expiring in 2030. UA also informed the SG that the estimated cost of re-planning their TV network and for switching off TV stations in the 700 MHz and 800 MHz frequency bands is around 2.8 million Euro (as of today). UA believes that its TV stations operating in these frequency bands should be turned off nationwide, and no financial resources and no expertise are available to complete this task. In addition, it was stressed that with the purpose

to prevent technical errors and to avoid stopping the operation of all Digital TV Networks during the wartime situation where it is an essential necessity to secure informational security of Ukraine, Zeonbud LLC insisted that the concerned TV transmitters must be only retuned by certified experts.

UA was requested to analyse the possibility of adopting a two-step approach, where as a first step, the TV transmitters operating on channels 50-53 and located in the proximity of the western border will be retuned in the short-term. As a second step, and in the longer-term, UA will be retuning the transmitters located in the rest of the country.

UA advised that their TV transmission architecture is a single frequency network (SFN) and adopting the suggested approach was not possible. In addition, such an approach may cause a domino effect on the entire network, i.e. impact on other TV channels.

The following points were made during the discussion:

- EC queried on the usage of the 700 MHz band for military purposes.  
UA did not have information on the usage of these frequencies for the military forces at that moment and promised to clarify the situation at a future meeting.
- EC asked about if other barriers exist which could prevent the release of the 700 MHz band, e.g. does UA needs to adopt additional laws or a governmental special act?  
UA informed that the Broadcasting Council is responsible for the licensing process.
- HU stated that it understood UA's concerns and asked about the existence of a re-frequency plan and possible financial resources for a short-term strategy.
- The EC emphasized on the importance of the political decision to free up the 700 and 800 MHz frequency bands and asked how long it would take to implement such a decision if financial resources were found.  
UA informed that this topic is the responsibility of the Broadcasting Council, but they estimate that a 4-6 month timeframe will be required to complete the retuning process. UA emphasised that any retuning process should be undertaken by certified technical experts.

The representative of the State Radio Frequency Service informed that there are 4 national wide MUX in operation, and they needed to retune 226 TV stations from the total number of around 700 TV stations operating in the frequency range 470-862 MHz. Currently, UA do not control about 50 television stations which are located in occupied territories.

At the request of the SG, UA analysed the situation at a distance 300 km and 100 km from the western border. They found that they needed to retune 165 TV station and 49 TV stations respectively. 13 TV stations were impacting SK and HU and 33 were impacting RO. UA stressed the need to safeguard their SFN network and feared of a domino effect.

PL has thoroughly analysed the existing situation and identified 20 TV stations that are creating the most significant interference towards the Polish WBB networks in the 700 MHz. In this regard UA was requested to consider the possibility to replan just these 20 TV stations. Following consultations with its operator, PL proposed to consider the option of retuning the TV transmitters remotely and to change antennas only when strictly needed.

The representative of UA's Ministry responsible for digitalization expressed concerns that during the replanning process citizens will be left without access to information and this was very important during the war period. Consequently UA proposed to start retuning just 4-5 TV stations at a time. UA reiterated the importance of providing training to the engineers and meeting the cost of such training. UA highlighted concerns relating to the lack of technical experts.

PL offered to UA the virtual workshop on the lessons learnt in terms of refarming of 700 MHz band that was done in Poland in 2022 and the actions taken prior to this task in 2020.

SG Co-chair again raised the question on the information on the type of antennas and combiners used in these TV transmitters.

The EC representative reminded that the EC has been supporting the UA budget for the implementation of EU legislation for more than 4 years and the UA authorities must find resources for such a frequency replanning program so that the interference is eliminated.

The next meeting to continue discussing this matter was planned for the 12<sup>th</sup> June 2024 at 15.00 CEST.

## List of participants<sup>2</sup>

No. of participants: 28

Country	Organisation
Hungary	National Media and Infocommunications Authority (NMHH)
Lithuania	Communications Regulatory Authority of the Republic of Lithuania (RRT)
Malta	Malta Communications Authority (MCA)
Poland	Ministry of Digital Affairs
	Office of Electronic Communications (UKE)
	Ministry of Foreign Affairs
Slovakia	Regulatory Authority for Electronic Communications and Postal Services
Ukraine	Concern of radio broadcasting, radio communication and television
	The National Commission for State Regulation in the Fields of Electronic Communications, Radio Frequency Spectrum, and the Provision of Postal Services
	Ministry of Digital Transformation
	The Ukrainian State centre of Radio Frequencies
	Operator Zoenbud LLC
-	European Commission

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<sup>2</sup> Corresponding to the meeting held on the 6<sup>th</sup> May.