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**RADIO SPECTRUM POLICY GROUP**

**RSPG Report on the results of the RSPG "Good offices" for 700 MHz  
spectrum clearance and migration of broadcasting service below 694 MHz**

# **Report on the results of the RSPG "Good offices" for cross-border negotiation for the migration of DTV below the 700 MHz band**

## **1 Introduction**

The Radio Spectrum Policy Group (RSPG) had agreed in June 2016 to extend the “good offices” with “a new project, focusing on 700 MHz spectrum re-planning and clearance, particularly on issues of cross-border co-ordination”.

This RSPG initiative was responding to the political interest, which was increasing at that time with the first auctions in 2015 in Germany and France, for making possible 700 MHz awards and clearance across Europe for wireless broadband use.

One of the reasons for such project was the previous delay for making the 800 MHz band available across Europe due to cross-border coordination issues. In contrast, clearance of the 700 MHz band had to be completed in a timely fashion.

On 17<sup>th</sup> May 2017, the decision 2017/899 of the European Parliament and of the Council on the use of the 470-790 MHz frequency band in the Union was published. This decision included a provision that “in order to allow the use of the 700 MHz frequency band [...], Member States shall, by 31 December 2017, conclude all the necessary cross-border frequency-coordination agreements within the Union”, reflecting again the same political objective of timely availability of the 700 MHz band across the Union.

The “good offices” mainly worked on the basis of questionnaires to measure the progress in cross-border negotiations, of exchanges of good practices and by encouraging the re-planning of digital television in regional clusters within “implementation groups”.

This RSPG report details this work and its results, as well as possible lessons learnt for future “good offices” projects.

## **2 Method of works for the application of the “good offices” for releasing the 700 MHz spectrum**

### **2.1 Questionnaires on cross-border coordination issues regarding 700 MHz spectrum clearance**

The “good offices” issued its first questionnaire in November 2016 in order to get a clear view on cross-border coordination issues regarding 700 MHz spectrum clearance and migration of broadcasting services below 694 MHz. Three additional questionnaires having the same objective were also issued during 2017.

The objective of the questionnaires therefore was to gather sufficient information on:

- National roadmaps for the clearance of the 700 MHz band.
- Expected dates on the migration of DTV below 694 MHz and on awarding the 700 MHz band for mobile services.

- Existing and planned operations for DTV before and after releasing the 700 MHz band, including number of multiplexes, DTV transmission and coding technologies as well as DTV coverage requirements.
- Progress in cross-border coordination negotiations (intra EU and with countries outside EU).
- Potential transition difficulties arising from discrepancies in migration dates.
- Additional information (such as national options for the use of the 700 MHz band and compensation mechanisms).

In practice, the “good offices” group mainly made use of the submitted information on clearance dates and on the status of cross-border coordination activities. The information on existing and planned operations for DTV would have been necessary to address potential disputes between Member states claiming about migration obstacles or invoking equitable access considerations, but this did not actually arise.

The questionnaires were instrumental in setting a fast pace in progressing bilateral coordination. The summary of the responses, presented to the RSPG Plenary, enabled to identify technical bilateral difficulties or delays which were subsequently addressed and solved successfully.

Two additional questionnaires were issued in 2018 to address transition difficulties in more detail. The questionnaires were also used to verify that Member states have published their national roadmap for clearance and details of the plan for the 700 MHz band, in accordance with article 5.1 of the 700 MHz decision (setting a deadline to 30<sup>th</sup> June 2018).

It has to be noted that, at least for the 3<sup>rd</sup> and 4<sup>th</sup> questionnaires, all 28 EU countries had responded. In addition, several countries outside EU provided responses.

## **2.2 The importance of the actions of regional groups**

The RSPG Report “on proposed spectrum coordination approach for broadcasting in the case of a reallocation of the 700 MHz band” was, in 2013, already emphasizing that “the negotiation approach should preferably, similarly to the 800 MHz, be based on bilateral and multilateral coordination with coordination groups such as WEDDIP” and that RSPG should encourage the creation of new groups.

Several regional groups had a key role in carrying out the cross-border negotiations and agreeing a multilateral plan which was subsequently taken on board in bilateral agreements:

- WEDDIP (West European Digital Dividend Implementation Platform)
- NEDDIF (North-East Digital Dividend Implementation Forum)
- SEDDIF (South-East Digital Dividend Implementation Forum)
- BSDDIF (Black Sea Digital Dividend Implementation Forum)
- Adriatic group

Some of these regional groups were including non-EU countries since it was necessary for adopting a regional new plan. In many cases, it created a momentum in favour of making available the 700 MHz band for mobile in these non-EU countries in a timeline alleviating transition issues.

The “good offices” encouraged the creation and the work of these regional groups. The collective pressure in these groups to agree multilaterally on a regional new plan, together with the pace of issuing questionnaires, resulted in a virtuous circle where each Member state committed itself in carrying out the complex and resource-consuming technical work and in accepting the necessary compromises for completing and signing the cross-border coordination in due time.

The “good offices” meetings also served as a forum for exchanging good practices adopted in these groups and experts from some regional groups have sometimes participated in meetings of other regional groups to bring their experience.

### **2.3 Coordination with countries outside EU**

The questionnaires have been an opportunity to collect information on coordination difficulties with countries outside the EU and to identify cases where EU assistance was needed. However, it remained the responsibility of each Member state to request, as needed, EU assistance.

The “good offices” have enabled to share negotiation situations between EU countries having the same non-EU neighbouring country, to provide briefing to the European Commission, and to envisage solutions and actions.

Before 31<sup>st</sup> December 2017, requests for EU assistance were received with regard to Algeria, Tunisia, Libya, Albania and Turkey. Further requests were received in 2018 with regard to the Russian Federation.

## **3 Results of the application of the “good offices”**

### **3.1 Situation at the date of 31<sup>st</sup> December 2017 within EU**

Each Member state had the obligation to conclude all necessary cross-border coordination agreements with neighbouring Member states. This corresponds to a total of **62** agreements to be signed, i.e. an average of **4.5 intra-EU agreements to be signed per country**, with some Member states having only one intra-EU agreement to be signed (e.g. Malta, Cyprus) and some other having up to 9 intra-EU agreement to be signed (e.g. Germany).

As at 31<sup>st</sup> December 2017, 57 agreements had been signed, 2 were completed but not signed and 3 were not yet completed, as shown in Figure 1. All the 5 remaining agreements to be signed corresponded to agreements between Belgium and its neighbours. This difficulty around Belgium was subsequently addressed within the RSPG and its “good offices” working group. Belgium signed agreements during the first semester of 2018 with Luxembourg, the Netherlands and France and agreement was reached in September 2018, with the United Kingdom and Germany, with formal signatures under process in October 2018.

Figure 1a: situation on 31<sup>st</sup> December 2017 (intra EU)

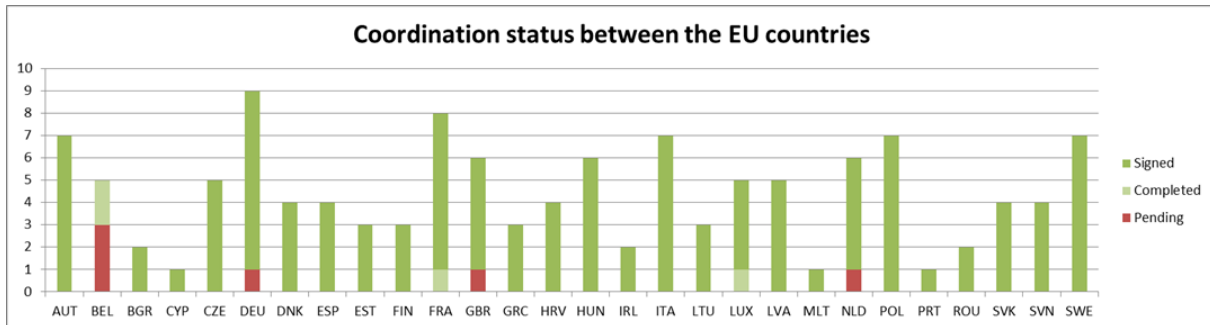
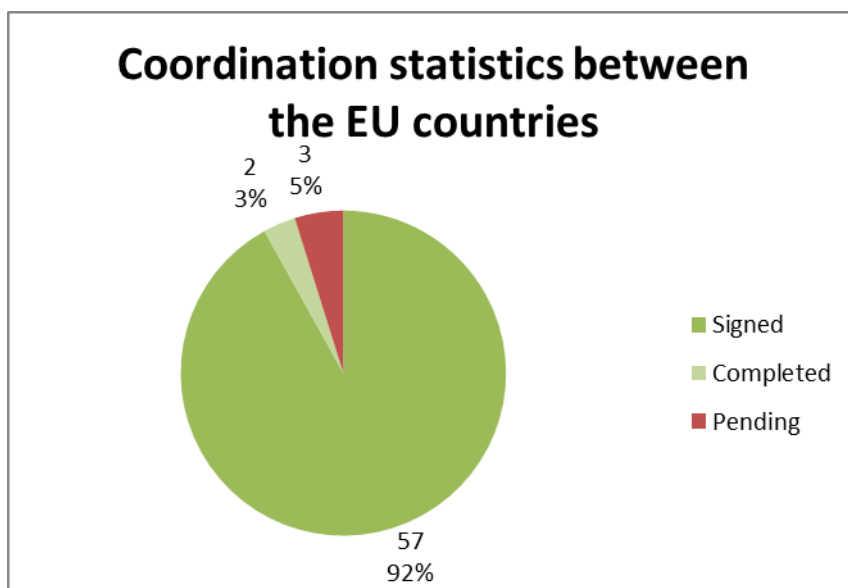
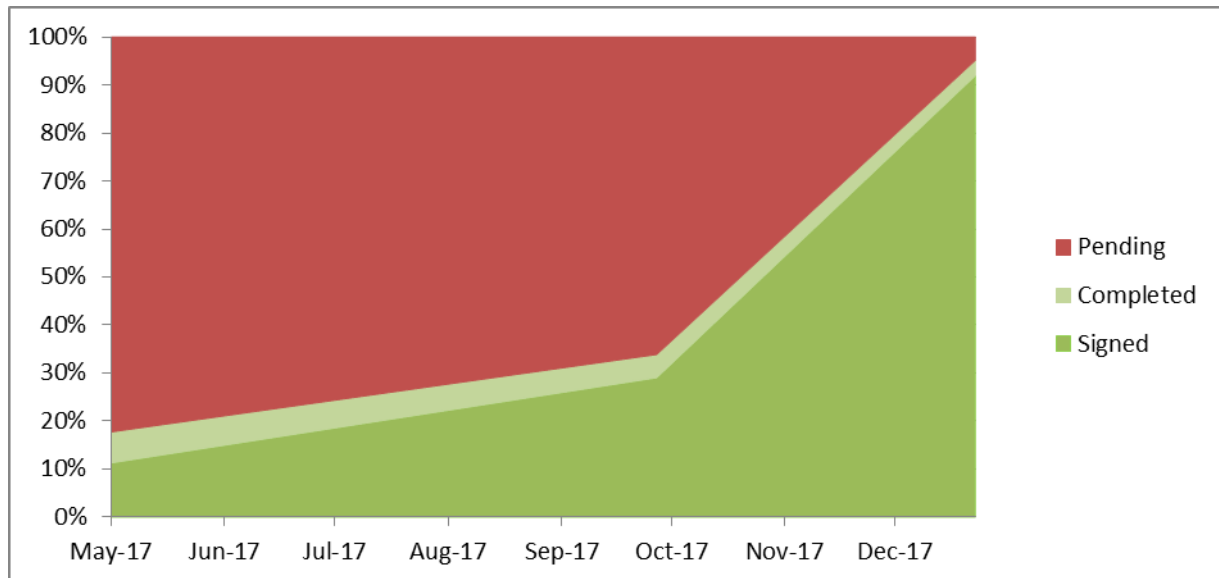


Figure 1b



It is interesting to note the progress of reaching signatures when approaching the deadline of the 31<sup>st</sup> December 2017 (see figure 2), which materializes how important was the setting of a deadline in the 700 MHz EU Decision. In particular, in the SEDDIF area, where the cross-border negotiation was complex due to the high number of involved countries, including non-EU countries, in an area of a limited size, most of the agreements have been signed in November and December 2017.

**Figure 2: Progress in completing and signing intra-EU agreement in 2017**

### 3.2 Situation at the date of 31<sup>st</sup> December 2017 including with countries outside EU

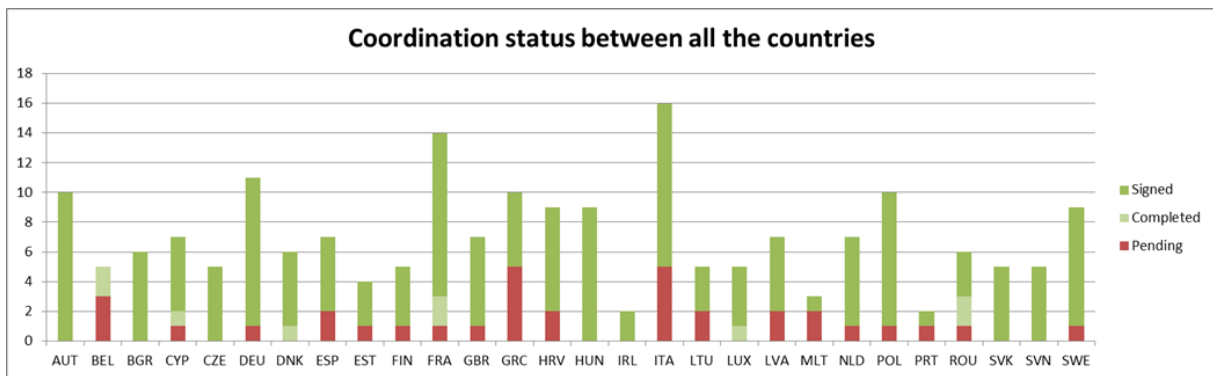
Not surprisingly, the coordination has progressed more slowly with countries outside EU, since such countries do not have an obligation to comply with the deadlines defined in the EU decision and may have different plans relating to the use of the 700 MHz band.

As at 31<sup>st</sup> December 2017, 87 among 117 of the cross-border agreements were signed (see Figure 3). It means that 30 among 55 of the cross-border agreements between EU Member States and countries outside Europe were effectively signed. The main geographical areas corresponding to those agreements which have not yet been signed are:

- North Africa (Algeria, Tunisia, Libya)
- Russian Federation
- Albania
- Turkey (vs Cyprus)

One additional issue specific to countries outside the EU is the transitional period until the non-EU country would implement wireless broadband ECS in the 700 MHz band. During this transitional period, broadcasting may continue to operate in the 700 MHz band at the EU border, thus causing interference to wireless broadband ECS networks, in particular in the channels where base stations are receiving. This issue is relevant for the above areas but also for other cases where cross-border agreements have been signed (e.g. Serbia, Bosnia-Herzegovina, Ukraine and Belarus).

Figure 3: situation on 31<sup>st</sup> December 2017 (all countries)

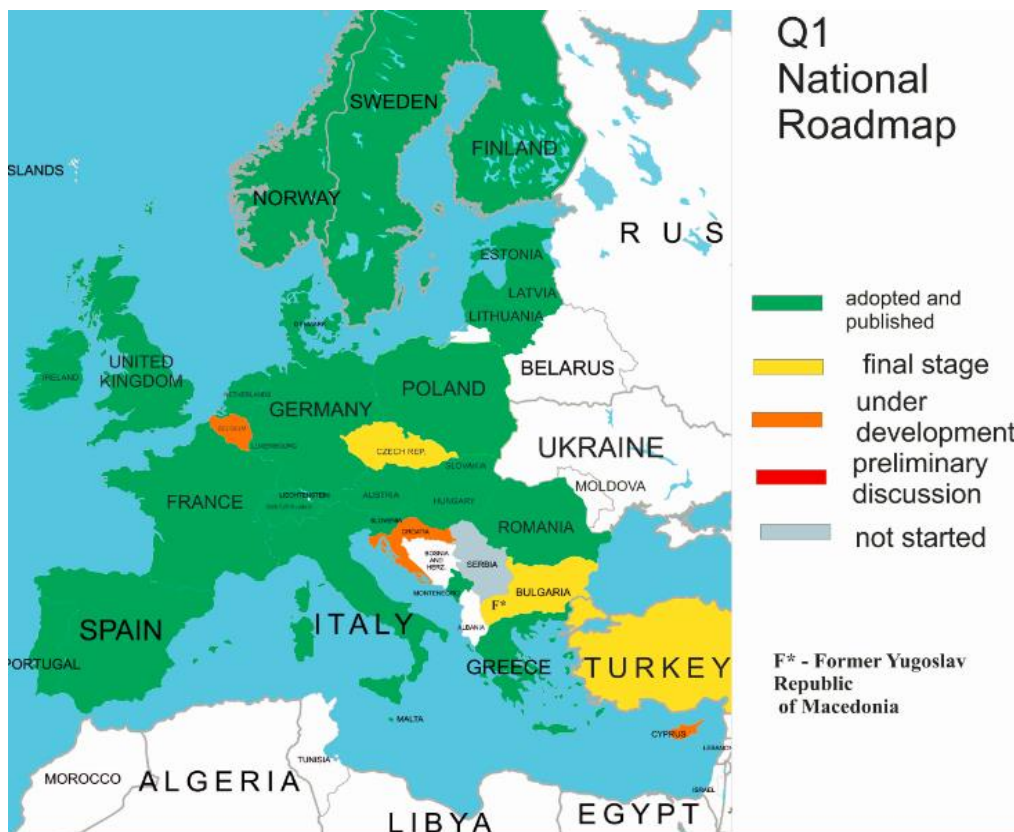


### 3.3 Publication of national UHF Roadmaps

With respect to article 5.1 of the 700 MHz decision, EU Members were requested to adopt and publish their national UHF roadmap regarding 700 MHz clearance and reallocation before the 30<sup>th</sup> June 2018.

As of 31<sup>st</sup> August 2018, 24 EU Member States have indicated to have published the UHF roadmap (see figure 4: the response Q1 to the questionnaire - national roadmap). Four EU countries have therefore not finalized their roadmap at that time: Belgium, Croatia, Czech Republic and Bulgaria.

Figure 4: national roadmap, situation on 31<sup>st</sup> August 2018



#### **4 Lessons learnt from the application of the “good offices” to the 700 MHz band clearance**

The RSPG “good offices” has virtually not exercised any “good offices” owing to the huge efforts put by all Member states in complying with the deadline of 31<sup>st</sup> December 2017 for signing all intra-EU cross-border coordination agreements.

The regional groups have been the real place for negotiating the new plan for digital TV and the 700 MHz clearance, thus demonstrating that they are representing the right level for an efficient cross-border negotiation for television broadcasting plans.

However, the “good offices” was instrumental in setting a fast pace in progressing bilateral coordination by issuing questionnaires, by encouraging Member States and regional group in progressing negotiations, as well as by providing a platform for exchanging experiences. Above all the simple fact that any bilateral negotiation deadlock had to be subject to the “good offices” was a strong incentive in avoiding such a deadlock situation. It has also facilitated gathering the information on the national roadmap for implementing the 700 MHz and encouraging Member states to comply with their obligations to adopt and publish it in due time.

Concerning the coordination with countries outside EU, the “good offices” may provide useful support to the European Commission in bringing and analysing technical elements and in helping in the negotiations after a Member State asked for EU assistance.