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RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of RSPG#33 on 19 February 2014

RSPG #33
Brussels, 19 February 2014

Chairman's Report

(1) Introduction to RSPG #33

The RSPG Chairman, Mr Gilles Brégant (ANFR, France), assisted by **RSPG Deputy Chairman, Mr Finn Petersen (DBA, Denmark)**, opened the meeting.

The RSPG Chairman noted that the agenda was adopted without amendment.

The European Commission was represented by **Mr Ruprecht Niepold, Advisor to the Director-General DG CONNECT**.

(2) Preparation of the World Radio Conference (WRC-15)

The Rapporteur, Mr Rainer Wegner (German Ministry of Economic Affairs and Energy), presented the progress report.

With regard to recent proposals by the European Commission on EU competences in international fora, he underlined the Working Group's view that the current preparatory and negotiation process at WRCs is successful in ensuring to a maximum extent possible the implementation of EU policy. In this respect he stated the working group's intentions to develop common policy objectives in accordance with the requirements of the principle of sincere cooperation in line with Article 10.1(b) of the RSPP.

He provided an update on the discussion in particular on the agenda items 1.1 and 1.2 on spectrum for wireless broadband. With regard to agenda item 1.1 he mentioned that two different approaches have been proposed. Some member states are of the view that frequency bands to be further considered for an IMT identification needed to be specifically mentioned. Others prefer a more general approach in order to address the issue of fulfilling the needs for allocations to the mobile service and argued that it may be premature to reflect specific bands in the draft report at this stage. Further discussion on this issue is foreseen taking also account of the available outcome of ongoing technical studies. On a question by the Commission representative on the scope with regard to agenda item 1.3 with regard to spectrum for civil protection Mr Wegner clarified that it has not been addressed yet, but is planned to be covered in the next working group meeting.

With regard to other EU policy areas he reported that the working group agreed on first elements for common policy objectives.

Furthermore, Mr Wegner reported on the intention of the group to identify potential agenda items for future conferences at a very early stage taking into account both the need to ensure long term consistency with EU policy and the impact of European proposals on WRC-15 agenda items.

Finally, Mr Wegner introduced the main changes in the draft Opinion since the last RSPG plenary, namely the improved considerations on EU policy areas in light of the corresponding WRC-15 agenda items and preliminary elements for common policy objectives.

The **Commission Representative** welcomed the Rapporteur's report and emphasised the importance of the delivery of a stable text by autumn 2014 at the latest in order for the Commission to prepare common policy objectives in 2015.

The RSPG Chairman thanked the Rapporteur for the excellent work, invited for contributions and concluded the agenda item.

(3) **Bilateral Coordination**

The **Rapporteur, Mr Eric Fournier (ANFR, France)** introduced the progress report of the working group summing up the ongoing cases in the RSPG "good-offices" in particular providing updates on Italy-Malta, Italy-Slovenia and Germany-Belgium.

Concerning Italy-Malta, he reported that the three channels which were used by Italian national broadcasters are now free of interference. The interference level on the three channels used by Italian regional broadcasters has improved, although they are not completely free of interference. As regards the availability of channel 66, which is needed for Malta's plans to comply with its legal obligation pursuant to the RSPP to make available the 800 MHz band for wireless broadband, channel 43 has been agreed as a replacement for this channel and a related timeline has been defined.

As regards Italy-Slovenia, Mr Fournier reported that in response to the request from Slovenian administration presented in RSPG, the group has started investigating this new case under the "good-offices". Steps have been defined to ensure the protection of the 3 channels currently operated by Slovenia and to identify other channels which could be made free of interference and authorized in a near future in Slovenia.

Concerning Germany-Belgium there is no progress on the blocking issue, i.e. whether the agreement would be limited until 2017. The "good offices" chairman offered a solution where an article in the agreement would state that both administrations agree to enter into a new negotiation phase in order to have a new agreement in 2016 at the latest defining the situation beyond 2017.

The representative from Italy reported on the ongoing efforts to free up channel 43. In particular he referred to legislative measures that would allow for financial incentives for operators causing harmful interference to neighbouring countries to switch off, which is planned for the coming weeks.

The Commission representative welcomed the good progress and the achievements made by the group. He considered necessary that Italy increases its efforts and in particular avoid exceeding the deadline of Malta's derogation under RSPP from making available the 800 MHz band for wireless broadband. He also referred to progress needed in the cases Italy-Slovenia and Germany-Belgium. Finally he reminded the possibility for the Rapporteur to provide conclusions on a case that is either solved or that is in a blocking situation and in that case to conclude on the necessary steps to be taken.

The RSPG Deputy Chairman confirmed the need for results and conclusions on cases under study. He then thanked the Rapporteur for the progress of the work and concluded the agenda item.

(4) **Wireless Broadband**

The Commission representative gave an oral update on recent developments related to the proposed regulation concerning the Telecoms Single Market.

He provided an overview of the ongoing process in the European Parliament towards a vote on a first reading position in plenary in April. He underlined the proactive attitude of the Parliament in taking the dossier forward illustrated by the rapid delivery of a first draft report if the ITRE committee in November 2013 as well as the tight timeline of associated committees.

With regard the spectrum provisions of the proposed regulation he mentioned that the ITRE committee in its report has left the spectrum provisions rather untouched with the exception of Article 16 on cross-border coordination. He also mentioned the most significant amendment proposals which propose to introduce provisions on modification of license durations and spectrum trading as well as joint authorisation procedures.

He then gave a short update on the developments in Council by mentioning the plans of the Greek presidency to intensify its calendar for March and focus on the in-depth examination of the proposed regulation.

Some **RSPG Members** expressed views and interest on the ongoing negotiations and commented on the ambitious timetable considering the amount of work to be done.

The RSPG Chairman thanked the Commission representative for the update and closed the item.

(4bis) **Presentations by 5G research projects**

Participants of the EU projects METIS and MiWave gave a presentation on the current status of activities and main objectives. An exchange of views took place with RSPG Members.

(5) **Update of the RSPG Work Programme**

Mr Didier Chauveau, the coordinator of the activity, introduced the draft RSPG work programme that is proposed for adoption.

He indicated that the activities of the draft work programme have received broad support in the public consultation and that the replies were mainly focussed on specific issues that should be addressed within the activities. He outlined the main amendments addressing the input received including references to previous work of RSPG related to interference management and sectoral needs.

With regard to the request of stakeholders to introduce a work item on wireless backhaul, he outlined the plan to set up a focussed activity on this topic. In this respect he proposed to draft a work item description by correspondence ready for adoption at the next RSPG plenary.

RSPG Members commented on the scope and structure of the activity on efficient use, its timeline and the need for a public consultation. Other RSPG Members commented on the level of ambition of the same activity in light of the Commission proposal on a

Telecom Single Market. In particular some Members supported a proactive approach by RSPG and the need for the group to show its capacity.

Furthermore RSPG Members provided their views on the proposed work item on wireless backhaul. In particular, Members commented on the need to address the issue in light of ongoing developments on small cell deployments and the need for RSPG to be responsive to stakeholder requests. Other RSPG Members commented on alternatives for wireless backhaul and on the limited scope of RSPG responsibilities with regard to broadband policy.

The Commission representative welcomed the final draft work programme and underlined the need to take into account comments of stakeholders, the need for cooperation with BEREC and the level of ambition of RSPG in addressing the activities proposed.

Following a discussion the RSPG agreed by unanimity on the updated RSPG Work Programme.

The RSPG Deputy Chairman concluded the agenda item by outlining the next steps and by confirming the proposed approach to work towards the proposed work item on wireless backhaul. RSPG Members were invited to submit proposals to Mr Chauveau in order to develop a draft work item description to be submitted for consideration at the next plenary meeting.

(6) Long-term strategy on the future of the UHF band

The Commission representative gave an oral update on the launch of the High-Level Group on the future of the UHF band. He reported that the group has been set up, the first meeting took place in January 2014 and the final report by the chairman Mr Pascal Lamy is planned to be made public by July 2014. He pointed out that the group has decided not to report publicly on ongoing discussions or interim findings.

RSPG Members commented on the possible link between the RSPG and the High-Level Group and the way its results will feed into the relevant RSPG activities, the possibility for the RSPG to get an observer status in the group, and on the discretion of the chairman to draw conclusions and to what extent such conclusions can reflect the consensus among the participants of the High-Level Group.

Ms Luisa Mendès (ANACOM, Portugal) was appointed as the Rapporteur of the Working Group. She provided an outline of the ad-hoc meeting on the subject that took place in January 2014. In particular she referred to the preliminary draft Request for Opinion submitted by the Commission and summarised the comments made by the meeting participants.

The Commission representative gave an overview of the Draft Request for Opinion focussing on the tasks requested including the developments of terrestrial broadcast and wireless broadband platforms, cost-benefit aspects, spectrum options and migration issues, also in the light of diverse national situations.

RSPG Members commented on the need to separate the work on the 700 MHz band from the rest of the UHF band, the relation to work already done, e.g. on wireless broadband, sectoral needs and cross-border coordination, the need for consistency with common policy objectives for WRC-15, and the link to 5G research initiatives.

Furthermore RSPG Members commented on the need for a common assignment date for the 700 MHz band, the relation to cross-border coordination within the EU and with non-EU countries, on the possibility to meet the demand of various sectors claiming spectrum in the UHF band, and on the way to address financial implications.

The Commission representative informed the group that the Commission services are planning to issue shortly the final Request for Opinion taking into account the comments received.

The RSPG Chairman thanked the RSPG Members for the good discussion and closed the item. He confirmed that the final Request for Opinion when available will be sent to the group for consideration in the activities of the work item.

(7) Efficient awards and use of spectrum

Mr Chris Woolford (OFCOM, UK) was appointed as new Rapporteur of the Working Group.

The Commission representative gave an overview of the Draft Request for Report pointing out the link to shortcomings identified in the context of the proposal on the Telecom Single Market. He then outlined the tasks of the request including the demand for usage rights conditions to meet spectrum requirements of future WBB systems and best practices on spectrum award approaches and related conditions of use.

RSPG Members commented on the consistency of the Request for Report with the work item description in the Work Programme, the need for flexibility in the scope of the activity in light of the ongoing legislative process with regard to the regulation on the Telecoms Single Market, and the need for cooperation with BEREC.

Furthermore RSPG Members commented on the need to include legislative provisions in addition to license conditions when considering non-technical usage conditions, the need for a bottom-up approach in identifying best practices, and the usefulness of an informal peer-review process between Member States with regard to spectrum awards procedures and rules.

The rapporteur confirmed his intention to identify an opportunity for an RSPG/BEREC workshop on topics of common interest during the second half of 2014.

The Commission representative informed the group that the Commission services are planning to issue shortly the final Request for Report taking into account the comments received.

The RSPG Deputy Chairman summarised the comments received, confirmed that the activity is an ambitious task, confirmed the need for certain flexibility, and stressed the need for cooperation with BEREC and closed the item.

(8) Consultation meeting with the defence sector

Mr Didier Chauveau provided an overview of the outline document with regard to the planned consultation meeting with the defence sector. He stressed the link to previous RSPG work on public use of spectrum and the relevance of spectrum issues linked to defence for the spectrum inventory. He then proposed a plan for the way forward to set up the format and agenda of the meeting.

RSPG Members commented on the possibility for a mutual exchange between RSPG and the defence community, the appropriateness to discuss defence issues at RSPG level, the relevance of spectrum issues linked to defence for the spectrum inventory, the issue of spectrum sharing of other sectors with the defence sector, and the NATO Joint Frequency Agreement under review.

The Commission representative indicated its support of such a mutual exchange and commented on the usefulness of an exchange with the defence sector and the strategic nature of Common Security and Defence Policy.

The RSPG Deputy Chairman closed the item by confirming the proposed way forward of setting up the agenda and format by correspondence for a planned consultation meeting on 11 June 2014 afternoon. He reminded Members States to suggest speakers from MoDs and invited Mr Chauveau to organise this event with the support of the RSPG Secretariat and interested Members States.

(9) Commission activities related to radio spectrum policy

The RSPG Chairman referred to the written report on the subject¹.

One RSPG Member referred to the draft Mandate of the Commission to the CEPT on 2.3 GHz in the Radio Spectrum Committee and the relation to the RSPG Opinion on "Strategic Challenges facing Europe in addressing the Growing Spectrum Demand for Wireless Broadband" (RSPG 13-521 rev1). According to the RSPG Opinion whether or not the band 2300-2400 MHz is a potential candidate band for wireless broadband depends on the outcome of sharing studies and on the availability of the band in individual Member States. The draft Mandate does not consider the latter.

The Commission representative replied that a Mandate does not automatically result in a binding harmonisation measure for wireless broadband.

(10) Administrative/organisational matters

As no further comments on the input documents were made the **list of documents are considered as approved** eligible for **public access**.

The RSPG chairman proposed to move the date of the next plenary to 12 June and the proposal was accepted by the group.

The **next RSPG meeting** (RSPG#34) will take place in Brussels on **Thursday 12 June 2014**.

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¹ RSPG14-548 (rev1)