



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Connectivity

Radio Spectrum Policy Group

RSPG Secretariat

Brussels, 10th February 2021

DG CNECT/B4/RSPG Secretariat

RSPG21-004 FINAL

RADIO SPECTRUM POLICY GROUP

15th Progress Report of the RSPG Sub-group on Peer Review and Member State cooperation on authorisations and awards

15th Progress Report of the RSPG Sub-group on Peer review and Member State cooperation on authorisations and awards

The RSPG at its Meeting #53 (online, 7th October 2020) approved the 14th Progress Report of the RSPG Sub-Group on Peer Review and Member State cooperation on authorisations and awards.

I. PEER REVIEW

This work item was originally established in 2016 to facilitate peer learning between the Member States on spectrum awards and authorisation. Therefore, the RSPG hosted a voluntary “Peer Review” platform (EC CIRCABC website) allowing the Member States to share documents and experience and to seek advice from their peers during the award design process. The RSPG also held numerous Peer Review workshops to share experience and expertise on specific (planned or completed) awards. It has to be underlined that since December 21st 2020, with the European Electronic Communications Code that came into force, there are new rules of conveying Peer Review Workshops.

On the 18 September 2020 the Commission issued the Recommendation (EU) 2020/1307 on a common Union toolbox for reducing the cost of deploying very high capacity networks and ensuring timely and investment friendly access to 5G radio spectrum, to foster connectivity in support of economic recovery from the COVID-19 crisis in the Union. The Sub-Group prepared a questionnaire that has been sent through RSPG Members to seek feedback on the best practices when authorising radio spectrum in the 700 MHz, 3,4-3,8 GHz and 24,25-27,5 GHz frequency bands. The results of the questionnaire were compiled as an RSPG contribution to the work of the Special-Group which will develop the Toolbox. It has to be noted that according to point 20 of the EC Recommendation Member States should inform the Commission, in particular through the Radio Spectrum Policy Group, about specific measures which they consider to be best practices including those which have been implemented or are planned for implementation at national level when authorising radio spectrum in the 700 MHz, 3,4-3,8 GHz and 24,25-27,5 GHz frequency bands. In order to enable Member States to fulfil above mentioned particular recommendation, the Group has prepared a Template that can be used for this purpose by the Member States for the consideration of RSPG Members.

II. MEMBER STATE COOPERATION ON AUTHORISATIONS AND AWARDS

The ongoing pandemic situation caused any physical meetings impossible to conduct. This implied the necessity to define the methods that would allow the continuation of the organization of PR Workshops in a remote form. As it was stated in the previous

report, the Sub-Group defined in the cooperation with the RSPG Secretariat the most suitable way of establishing workshops in the online formula and introduced guidelines to follow during online participation in a Peer Review Workshops.

Since the last RSPG Plenary, the Sub-Group organized two voluntary Peer Review Workshops.

- 20th October 2020 – hosted by Slovenia on a draft tender for a multiband auction for the award of radio frequencies for provision of public communications services in radio frequency bands 700 MHz, 1500 MHz, 2100 MHz, 2300 MHz, 3600 MHz in 26 GHz.
- 17th December 2020 – hosted by Spain on Digital Spain 2025 strategy, strategy to promote 5G technology 2021-2025, ECS market in Spain, Harmonised bands situation, reorganization of the 3.4-3.8 GHz band, 5G in the National Allocations Frequencies Table and authorization model for the 700 MHz band.

Both workshops assessed at a very high level, thanks to the excellent preparation of their representatives and enjoyed large presence of the registered RSPG Members and observers, i.e. 48 and 44 respectively.

III. PROPOSED TOPICS FOR THE UPCOMING STAKEHOLDER WORKSHOP

On 19th January the WG via RSPG Secretariat issued a questionnaire which intended to seek feedback from the RSPG Members in terms of possible topics for the upcoming RSPG Stakeholder Workshop. By 25th January the WG received 10 responses from the RSPG Members which will be the basis for further development of the Stakeholder Workshop Agenda.

IV. IMPLEMENTATION OF THE PEER REVIEW FORUM PROCESS FORESEEN BY THE EUROPEAN ELECTRONIC COMMUNICATIONS CODE AND THE RSPG RULES OF PROCEDURE

The European Electronic Communications Code entered into force on December 21st 2020 and this implies several obligations and objectives on the RSPG in terms of conveying the Peer Review Fora at the request on national regulatory or other competent authority of the Member State.

The applicable procedural rules for any future Peer Review Fora are already defined in the Code, the 2019 Commission Decision on the RSPG and the RSPG Rules of Procedure.

The Co-Chairs of the Sub Group are aware however that several practical steps still need to be taken to implement the procedures foreseen. Therefore the WG presents –the list of actions to be taken by the Member States that wish to convey the Peer Review Forum based on the Article 35 of the EECC. These include:

- I. Article 23 of the Code requires that *“competent authorities shall inform the RSPG at the moment of publication about any draft measure”*. Article 35.1 goes on to stipulate that *“Where the national regulatory or other competent authority intends to undertake a selection procedure it shall, pursuant to Article 23, inform the RSPG about any draft measure which falls within the scope of the comparative or competitive selection procedure pursuant to Article 55(2) and indicate whether and when it is to request the RSPG to convene a Peer Review Forum”*. In other words, there is now an obligation on the competent authorities in Member States to notify the RSPG when a draft selection procedure is published and **at the same time**, to confirm if the convening of a Peer Review Forum by the RSPG is being requested.
- II. Article 9 (5) of the Rules of Procedure also require that each member of the Radio Spectrum Policy Group (hereinafter ‘the Group’) *“shall designate one or several dedicated contact persons to whom all information shall be communicated regarding the activities and meetings of the Forum and who shall represent the member and be responsible for the Peer Review Forum”*. This contact point could be the RSPG representative but some RSPG members may choose to designate someone else in their national administration.
- III. Article 9.2 (subsections a to c) set out what types of information a Member State should provide during a Peer review Forum. Subsection 9.2 (d) also states that the Member State concerned should *“provide a substantiated summary of such documentation taking into consideration the explanations referred to in Article 35(4) of the Code, this summary shall be, whenever possible, based on a **common reporting format provided by the Group** and shall be drawn up in the national language of that authority, and where possible provide a translation in English; upon request, and to the extent possible, this translation may be provided by the Commission”*. There is therefore an outstanding requirement for the RSPG to provide such a Common reporting Format. To this end, and taking account of the provisions of article 9.2 (a) to 9.2 (c) of the Rules of Procedure, the Co-Chairs **attach a draft Common Reporting Format** for the consideration of RSPG Members.
- IV. It is also foreseen in Article 35.8 of the EECC and Article 10.5 of the Rules of Procedure that the *“the Chairperson of the Group or a person acting on his/her authority shall prepare an annual report concerning the draft measures discussed in the Peer Review Forum including experiences and best practices noted and present it to the Group for adoption, transmission to the Commission and publication on the public website of the Group”*. The Co-Chairs note that no Peer Review fora are foreseen for the period up until the end of February 2021. In this case, it would seem that a first report might be foreseen for February 2022 or that a short report confirming the current situation might be prepared.

Rapporteurs:

Aleksander Sołtysik, Emilia Ulelay, Andreas Johann

Annexes: Annex 1 - Template for the purpose of the Commission Recommendation (EU) 2020/1307 of 18 September 2020 on a common Union toolbox for reducing the cost of deploying very high capacity networks and ensuring timely and investment-friendly access to 5G radio spectrum, to foster connectivity in support of economic recovery from the COVID-19 crisis in the Union

Annex 2 – Common reporting format for the purpose of conveying Peer Review in line with Article 35 of the EECC

Annex 1

TEMPLATE

for the purpose of the Commission Recommendation (EU) 2020/1307 of 18 September 2020 on a common Union toolbox for reducing the cost of deploying very high capacity networks and ensuring timely and investment-friendly access to 5G radio spectrum, to foster connectivity in support of economic recovery from the COVID-19 crisis in the Union

On the basis of point 20 of the Recommendation 2020/1307, Member States should inform the Commission, in particular through the Radio Spectrum Policy Group, about specific measures which they consider to be best practices including those which have been implemented or are planned for implementation at national level when authorising radio spectrum in the 700 MHz, 3,4-3,8 GHz and 24,25-27,5 GHz frequency bands. The following template responds to this recommendation by allowing Member States to use a standardized format for the information they should provide.

Report on measures which are as the objectives in the subject spectrum award:

Promoting adequate reserve prices which reflect the minimum levels of fees for rights of use of radio spectrum	
Avoiding spectrum scarcity by ensuring the assignment of the full amount of radio spectrum harmonised at Union level	
Providing in a non-discriminatory manner the possibility that fees for rights of use of radio spectrum are paid in instalments within the period of those rights	
Using an individual authorisation regime for the 24,25-27,5 GHz frequency band which promotes its timely use including, in particular, one that is based on fast-track administrative procedures when applied to geographically limited rights of use	
Combining financial incentives with obligations or formal commitments to accelerate or to expand high-quality wireless coverage	

Providing, subject to competition law, the possibility for the sharing of passive and active infrastructure, as well as for joint roll-out of infrastructure that relies on the use of radio spectrum	
---	--

Annex 2

COMMON REPORTING FORMAT for the purpose of conveying Peer Review in line with Article 35 of the EECC

I. General information

National regulatory/other competent authority of the RSPG Member State	
Frequency band(s)	
Type of award mechanism	
Spectrum blocks and number of rights of use	
Upfront fee conditions (reserve prices, payment terms etc.)	
Spectrum caps and holdings, spectrum reserve for new entrants	
Eligibility and/or exclusion criteria if appropriate (in connection with Article 48(4) EECC)	
Timeframe of the process	
Key Element Papers	
Decision on the award of spectrum	
<i>Accompanying Documents</i>	
Contact information/website	
Date	

II. License conditions

Technology (incl. technical conditions, and coordination requirements, if applicable)	
Geographical extent	

Access obligations (e.g. MVNO and resellers)	
Coverage obligations (e.g. the specific requirements to be met)	
Spectrum sharing (incl. obligation to provide national roaming, if applicable)	
Other obligation(s) (e.g. numbers of base station, quality of the service)	
Spectrum trading/leasing	
License duration	
Annual fees	

III. Objectives

Based on the Directive (EU) 2018/1972 of the European Parliament and of the council of 11 December 2018 establishing the European Electronic Communications Code.

How the draft measure comply with Article 35 (4) of the EECC, and in particular:

Promotes the development of the internal market, the cross-border provision of services, as well as competition, and maximises the benefits for the consumer, and overall achieves the objectives set in Articles 3, 45, 46 and 47 of EECC Directive, as well as in Decisions No 676/2002/EC and No 243/2012/EU	
Ensures effective and efficient use of radio spectrum	
Ensures stable and predictable investment conditions for existing and prospective radio spectrum users when deploying networks for the provision of electronic	

communications services which rely on radio spectrum	
---	--

IV. Other relevant information