



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND
TECHNOLOGY

Connectivity
Radio Spectrum Policy Group
RSPG Secretariat

Brussels, 15 February 2023

RSPG23 – 004 FINAL

RADIO SPECTRUM POLICY GROUP

PEER REVIEW

REPORT

(ed. February 2023)

Foreword

The following 2nd edition of the Peer Review Report results from the provisions of the Article 35 (8) of the Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code according to which indicates experiences and best practices collected on draft measures that fall within the scope of the comparative or competitive selection procedure pursuant to Article 55(2) and discussed by Member States and the European Commission through Peer Review Forums.

In the period covered by the Report i.e. January 1st – December 31st 2022 two (2) Peer Review Forums were held on the basis of Article 35 of the European Electronic Communications Code:

- 12th January 2022 – Estonia on the assignment of the radio spectrum in the band 3.5 GHz (3410-3800 MHz).
- 30th September 2022 – Spain on the assignment of the radio spectrum in the band 26 GHz.

In all of the above cases neither report according to the Article 35 (7) of the European Electronic Communications Code nor opinion according to the Article 35 (9) were requested by the Member States that asked to organize Peer Review Forum align with Article 35 (1) of the EECC. This Report takes into account the experiences and good practices raised during those Peer Review Forums.

In addition, it has to be noted that the RSPG received also seven (7) notifications under Article 35 of the European Electronic Communications Code without a request to convey a Peer Review Forum.

- 18th March – Lithuania of the intention to undertake a selection procedure in order to reassign radio frequencies in frequency bands 3400-3700 MHz.
- 19th August - Croatia of the intention to undertake a selection procedure in order to reassign radio frequencies in frequency bands 800 MHz, 900 MHz, 1800 MHz, 2100 MHz and 2600 MHz on national level and offer remaining spectrum in 3400-3480 MHz band on regional level for wireless broadband electronic communications networks and services.

- 21st June - Estonia on the assignment of the radio spectrum in the 700 MHz band (694–790 MHz).
- 16th September - Romania of the intention to undertake a selection procedure in order to reassign radio frequencies in frequency bands 700 MHz, 1500 MHz, 2600 MHz and 3400-3800 MHz.
- 20th December – Estonia on the assignment of the radio spectrum in the 26 GHz band (24,7–27,1 GHz).
- 24th December – Poland on consultation regarding selection procedure (auction) in order to assign radio spectrum in 3480-3800 MHz band (3,6 GHz).
- 28th December – Belgium on the consultation regarding draft measures for the radio spectrum in 3400-3800 MHz band.

Information provided by the Member States for the purpose of conducting Peer Review Forum.

I. ESTONIA

1. Compliance of the draft measure with the Article 35 (4) of the European Electronic Communications Code.

The draft measure was established to foster the development of next generation (5G) technology networks and provision of the 5G services in line with EU regulation.

2. Promoting adequate reserve prices which reflect the minimum levels of fees for rights of use of radio spectrum.

A benchmark analysis of EU and EEA countries was used to calculate the reserve prices with the relevant adjustments to reflect a population and purchasing power as well as considering restrictions stipulated by cross-border coordination. The reserve price per block was 1 597 000 EUR.

3. Avoiding spectrum scarcity by ensuring the assignment of the full amount of radio spectrum harmonised at Union level.

All MNO's operating in Estonia have expressed high demand for radio spectrum in 3.5 GHz band.

4. **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 right.**

The instalments were not considered due to the expected moderate prices.

5. **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.**

The auction was planned for public networks, the part of the band was also reserved to the private networks, which had been licenced according to the principle first come – first served.

6. **Combining financial incentives with obligations or formal commitments to accelerate or to expand high-quality wireless coverage.**

Due to the restrictions caused by the Russian Federation in the 3.6-3.8 GHz band, resulting from the ITU Radio Regulations the high quality coverage across the country was not demanded. Nonetheless it was foreseen that 200 5G base stations need to be installed within two years after the frequency licence has been given and at least 5 base stations must be installed in each county to ensure coverage.

7. **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.**

Sharing of passive and active infrastructure was allowed.

II. SPAIN

1. **Compliance of the draft measure with the Article 35 (4) of the European Electronic Communications Code.**

The objective of the draft measure was to promote the development of 5G technology and the provision of 5G services in line with the objectives of EU regulation.

2. Promoting adequate reserve prices which reflect the minimum levels of fees for rights of use of radio spectrum.

The reserve prices established for the auction of the 26 GHz band were initially for a nationwide 200 MHz block of 7.5 M€. Nevertheless in order to incentivize potential participants to acquire and use the 26 GHz band, the final reserve price for that kind of block was established in 4 M€, almost half price in relation to the first one indicated above. In this line the Spanish Administration has also reduced the rest of the blocks of different geographical scope and has as well attended some of the requests made by interested parties in the auction of the band.

3. Avoiding spectrum scarcity by ensuring the assignment of the full amount of radio spectrum harmonised at Union level.

The auction has been designed taking into account the information obtained from the public consultation as well as technical information obtained from manufacturers, vendors and operators. In this context, a portion of 450 MHz has been reserved for verticals at local level and 2,8 GHz to be auctioned. 2,4 GHz out of the 2,8 GHz were for nationwide networks, and the rest 400 MHz for regional networks.

4. 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 right.

The possibility of payment in instalments was already proposed for the 700 MHz band. Operators and other interested parties stated that this option was not interested for them as they get better interest rates than those given by the Public Administration. Following this idea, for the 26 GHz band auction the possibility of payment in instalments was not introduced in the draft published for public consultation and there were no comments about this in the replies to the public consultation, therefore this possibility was not introduced.

5. 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.

For the 450 MHz reserved for verticals from 24,25 GHz to 24,7 GHz, an individual authorization regime was established for each network. This kind of procedure was very simplified and fast already in relation to the spectrum rights of use authorization. For the 24,7-27,5 GHz band, concessions were granted to the winners of the auction. Under that concession, the holder would have to apply for installation of stations and approval of specific technical parameters. As in the previous case, the procedure to get authorization to install stations is simply and fast not taking typically more than two weeks in most of the cases.

6. Combining financial incentives with obligations or formal commitments to accelerate or to expand high-quality wireless coverage.

No obligations have been established for the deployments in the 26 GHz band. Incentives have been included as the low reserve price and the low annual fee for the reservation of the spectrum due to this initial state of development of uses cases in the band.

7. 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.

The Spanish regulation foresees different possibilities for spectrum sharing among the mechanisms included for the spectrum secondary market in the regulation approved by Royal Decree 123/2017 of 24th of February. Agreements on leasing of spectrum, transfers, mutualization or wholesale services provision, previously authorized by the Administration are available to interested parties.