



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

Electronic Communications Networks and Services
Radio Spectrum Policy Group
RSPG Secretariat

Brussels, 09 October 2019

RSPG19-038 FINAL

RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of RSPG#50 on 09 October 2019

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SUMMARY OF RESULTS

The meeting was Chaired by RSPG Chair Jonas Wessel (Sweden).

The RSPG adopted a report on “European Spectrum Strategy”

The RSPG also adopted a draft future work programme for the period 2020-2021, which will be subject to public consultation before final adoption.

The RSPG noted progress reports from the Working Groups dealing with the following policy areas:

- The European Electronic Communications Code
- European Spectrum Strategy
- 5G
- Cross-border coordination - "Good offices"
- Peer review and Member State cooperation on authorisations and awards

The RSPG also adopted new Rules of Procedure, *inter alia* to reflect requirements of the European Electronic Communications Code (EECC).

The RSPG elected Frank Krüger (Germany) as the next RSPG Chair and Andreana Atanasova (Bulgaria) as the next RSPG Deputy Chair. Both colleagues will take up their positions from 1 January 2020.

The RSPG expressed its thanks to Jonas Wessel for his service as RSPG Chair over the preceding 2 years.

The next meeting of the RSPG will take place on 5 February 2020.

MEETING REPORT

(1) Introduction to RSPG #50

The RSPG Chairman, Jonas Wessel (Sweden), opened the meeting.

The European Commission was represented by Anthony Whelan, Director for Electronic Communications Networks and Services, DG CONNECT.

(2) Update on Commission Initiatives

The European Commission introduced a report on Commission activities related to spectrum policy since the last meeting (RSPG19-025). The Commission also provided an oral presentation on the nominees for the new Commission College due to take up office on 1 November 2019.

(3) Update from the Chair on activities since the last meeting

The Chair provided members with information on his recent activities, including participation in various events with external stakeholders to publicise RSPG activities.

(4) RSPG Working Group on Peer review and Member State cooperation on authorisations and awards

The co-rapporteur Alexander Sołtysik (Poland) presented a progress report from the working group on peer review and Member State authorisations and awards (RSPG19-033). The Group noted the continued success of the peer review activities and encouraged members who had not already done so to consider volunteering to host peer review workshops.

(5) RSPG Working Group on the European Electronic Communications Code (EECC)

The co-rapporteurs A. Beimann (DE) and E. Ulelay (HG) presented a progress report from the RSPG working group on the EECC (RSPG19-016) and a report on the practical implications of Article 35 of the EECC (RSPG19-037). The RSPG thanked the group for its efforts and noted that the working group had now completed its work.

(6) RSPG Rules of procedure

The Commission introduced a proposal for a revised set of Rules of Procedure to take account of the revised Commission Decision on the RSPG and the EECC. The Commission also provided the following statement to be included in the record of the meeting in relation to an amendment to Article 11(1) of the Rules of Procedure:

With regard to the possibility for the Commission, in agreement with the chairperson, to request a vote on whether to convene an exceptional peer review meeting pursuant to Article 35(2) of the European Electronic Communications Code, the Commission understands the concerns by Member States that this request should take into account

the timing and sequencing of the preparation of the relevant draft measure covered by Article 35(2). Such preparations could take several steps and public consultation phases in line with Article 23 of the Code. In addition, a Member State could have the intention to submit the draft measure to a voluntary peer review at any point in that process. Therefore, the Commission underlines that it will in practice raise any concerns, of the type mentioned in Article 35(2) of the Code, bilaterally with the Member State concerned in order to clarify and resolve any such concern, in advance of any request to convene an exceptional peer review.

Moreover, the Commission intends to submit any request for a vote on an exceptional peer review under Article 35(2) of the Code and Article 11(1) of the Rules of Procedure only when the Member State concerned has presented a draft measure which is sufficiently stable [in view of the application of Article 55(2) of the European Electronic Communications Code] but which can still be modified if deemed necessary by the Member State concerned before its actual adoption by the Member State. The Commission considers such upstream exchanges, whether bilateral or through the peer review, as an important means of promoting predictability and avoiding to the best extent possible ex post exchanges, such as through infringement procedures, after spectrum has been awarded to market actors.”

The group adopted the new Rules of Procedure and the Commission approved the adopted Rules of Procedure, in line with Article 4(4) of the RSPG Decision.

(7) RSPG Work Programme 2020-2021

The Deputy Chair of the RSPG introduced a proposal for a future Work Programme covering the two-year period between 2020 and 2021 (RSPG19-029). The group welcomed the proposal and agreed that it should be published for public consultation prior to being adopted at the first RSPG Plenary in 2020.

(8) RSPG working group on a European Spectrum Strategy

The RSPG considered a progress report from the working group on a European Spectrum Strategy (RSPG19-030) presented by co-rapporteur P. Marnick (UK) and a draft final report (RSPG19-031). The RSPG noted the progress report and adopted the final report. The group thanked the working group for the very good outcome and noted that it had now completed its work.

(9) RSPG Working Group “Good Offices”

The RSPG considered a progress report from the working group on “Good Offices” (RSPG19-032) presented by co-rapporteurs E. Fournier (France) and M. Zilinskas (Lithuania). The Group noted the report and thanked the working group members for their continued efforts.

(9) State of play regarding the award of 5G pioneer bands

Co-rapporteurs Bo Andersson (Sweden) and Tassos Lyratzis (Greece) presented a progress report from the working group on 5G implementation challenges (RSPG19-035) and adopted the final progress report of the working group on its activities

(RSPG19-036). The group thanked the working group members for their contributions and noted that the working group had now completed its work.

The RSPG also discussed a Commission document (RSPG19-026) that identified the state of play at Member State level regarding awards of the agreed pioneer bands for 5G. The Group welcomed the document as a useful reference for the ongoing monitoring of progress towards agreed European targets, and agreed that RSPG members should regularly update the data to enable the publication of up-to-date information on the RSPG website.

The RSPG also noted that a joint RSPG-BEREC workshop will take place on 21 October in Brussels to discuss the ongoing award processes for 5G bands.

(11) Administrative/organisational matters

The RSPG elected Frank Krüger (Germany) to become RSPG Chair for a two- year period from the 1st of January 2020. The RSPG also elected Andreana Atanasova (Bulgaria) as Deputy Chair for the same period.

The group thanked out-going RSPG Chair Jonas Wessel for his contribution to the achievements of the RSPG during his tenure as Chair.

The next RSPG Plenary meeting (RSPG#51) will take place in Brussels on the 5th February 2020.

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