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Directorate-General for Communications Networks, Content and Technology

Electronic Communications Networks and Services

**Radio Spectrum Policy Group**

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## **RADIO SPECTRUM POLICY GROUP**

**Subject: Chairman's Report of RSPG#35 on 12 November 2014**

**RSPG #35**  
**Brussels, 12 November 2014**

Chairman's Report

**(1) Introduction to RSPG #35**

**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 Anthony Whelan, Director for Electronic Communications Networks and Services, DG CONNECT.**

**(2) Update on Commission Initiatives**

**(a) Telecom Single Market Regulation**

The **Commission Representative** highlighted the emphasis on spectrum policy coordination in the political priorities expressed by the Juncker Commission. He also confirmed the determination of Commissioner Oettinger and Vice-President Ansip to work towards a swift adoption of the Regulation concerning the Telecom Single Market in view of the upcoming review of the telecoms framework.

Mr Whelan then reported on the ongoing work in the Council and the intention of the Italian Presidency to start trilogues as fast as possible. In this regard he mentioned inter alia the current reflections in Council on an enhanced role for RSPG in the context of an envisaged peer review of national draft measures regarding spectrum use.

**(b) Commission Report on the Radio Spectrum Inventory**

**Mr Geiss, Head of Unit Spectrum, DG CONNECT,** presented the Commission report on the radio spectrum inventory. He summarised the legal basis, the information sources used, and the analysis of supply and demand. He then presented the main findings of the report including the increased need for spectrum sharing as well as considerations on specific frequency bands: potential future usage conditions and/or more efficient use.

**The author of the RSPG Position Paper** on the Response to the Commission Report, **Mr Jim Connolly,** presented the main points of the Position Paper. He confirmed that RSPG Members agree with the policy objective of the inventory, i.e., efficient spectrum use and that Member States are ready to support them. He highlighted the need for a more focussed action targeting specific bands and that the 'tool' devised by the Joint Research Centre is unlikely to provide a complete picture of spectrum use within a country when used in isolation. He finally commented on the possibility to explore ways to streamline the inventory process in the envisaged RSPG activity on the RSPG review so as to focus the inventory on efficient and cost-effective methods.

**The Commission representative** noted that there is agreement on substance and that the Commission is ready to discuss the mechanics of the process in the Radio Spectrum Committee.

**The RSPG chairman** commented on the need for effective cost solutions and noted the support from RSPG to this position paper. He closed the session by giving an outlook to the upcoming RSPG activity on the review of the RSPP.

**The RSPG agreed to publish the Position Paper on the RSPG web site.**

**(3) Preparation of the World Radio Conference (WRC-15)**

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

He highlighted the draft considerations on spectrum for wireless broadband services in particular the bands that the EU should support in WRC-15, i.e. the 1.5 GHz and 3.4-3.8 GHz bands. He also summarised the considerations concerning other bands that were considered, but that should not get EU support at WRC-15, e.g., the 3.8-4.2 GHz and 5 GHz bands.

He also highlighted considerations on a future agenda item on 5G and the possible need for coexistence studies concerning flight tracking systems in the 990-1100 MHz range as considered in the 2014 ITU Plenipotentiary Conference.

**RSPG Members** commented on the fact that these common policy objectives are aimed to establish a common position in accordance with the requirements of the principle of sincere cooperation in accordance with Article 10.1(b) of the RSPP, a possible Commission Communication on WRC-15 and subsequent Council conclusions, a possible cross-reference to considerations of the draft Opinion on the future use of the UHF band, and more flexibility as regards the 1.5 GHz band and lower UHF band.

**The Commission representative** commented on the legal basis for EU common positions at international conferences in primary law and RSPG's limits with regard to the process to establish such position. He also emphasised the importance of long-term predictability of UHF use and the need for a common EU view on the question if co-primary use of the lower UHF band should be supported or not.

**The RSPG Deputy Chairman** thanked the Working Group for the excellent work so far and proposed to adopt the draft Opinion for public consultation with amendments proposed by the Rapporteur based on the discussions at the plenary.

**The revised draft Opinion was adopted for public consultation at unanimity.**

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

**The Rapporteur, Ms Luisa Mendès** (ANACOM, Portugal) presented the progress report and introduced the draft Opinion.

She noted that one of the sensitive topics of the Opinion concerns the deadline for effective use of the 700 MHz band, in particular given the potential difficulties that some Member States may face in order to make the band available in the short/medium term. She introduced the two options proposed for possible selection in the plenary meeting, i.e., (i) authorisation by 2020 and effective use by 2022 without derogation possibility and (ii) effective use by 2020 with the possibility for derogation until 2022.

**RSPG Members** commented on the draft Opinion. No clear majority on one of the options was identified. Furthermore, RSPG Members commented on considerations in the draft Opinion regarding other platforms than terrestrial broadcasting, and the need for a possibility for derogations based on existing licenses and based on cross-border coordination issues.

**The Commission Representative** underlined the need for a deadline in the next plenary and to narrow the gap between Member States as much as possible. He also commented on the question if there is a need for derogations because of internal or external problems Member States could be facing, the possibility to foresee derogations or define exceptions in law, and on the need for certainty as regards effective use.

**The RSPG Chairman** noted that there is no agreement on a recommended deadline at this stage. He proposed to maintain both dates in the draft Opinion for public consultation, but indicate that the RSPG intends to select a date as recommended deadline in the final Opinion. He proposed to adopt the draft Opinion for public consultation with amendments proposed by the Rapporteur based on the discussions at the plenary.

**The revised draft Opinion was adopted for public consultation at unanimity.**

## (5) **Efficient Awards and Use of Spectrum**

**The Rapporteur, Mr Chris Woolford** (OFCOM, UK), gave an overview of the progress on the work item. He reported that the structure is now agreed within the group and first discussions on substance have taken place. The group is aiming at including best practice examples and case studies and develop generic guidelines when appropriate.

He outlined the next steps of the activity leading to a draft for discussion in the next RSPG with a view to adopt a draft report for public consultation in June 2015.

Mr Woolford then reported on the related RSPG/BEREC event on spectrum awards that took place on 11 November 2015. The workshop covered both theory and practice as regards 20 years of spectrum awards. He underlined some key messages from the event including the “no one size fits all” conclusion even if a preference of most Member States for auctions in the recent past and the foreseeable future has been identified, and the importance to set the right objectives. Some objectives are common among Member States, e.g. competition, efficient use, and coverage, but for some of them implementation differs due to the national context. There were also useful exchanges on the type of awards, packaging, caps, and set-asides and on the auction revenues.

**Member States commented** on the scope of the activity, and it has been clarified that the impact from spectrum pooling and sharing (Licensed-Shared Access) will be addressed.

**The RSPG Deputy Chairman** thanked the Working Group for the excellent work so far and also for the successful joint workshop with BEREC and closed the item. A draft report is expected for the RSPG meeting in June.

(6) **Wireless Backhaul**

**Mr Peter Gál (NMHH, Hungary)** was appointed as the Rapporteur of the Working Group. He provided an outline of the ad-hoc meeting on the subject that took place in October 2014. He then introduced the draft structure that has been agreed in the group.

He confirmed that no modifications on the draft work item have been proposed.

**RSPG Members** commented on the need for an analysis on spectrum needs for wireless backhaul and appropriate regulatory approaches.

**The RSPG Chairman** thanked the Working Group for the excellent work so far and proposed to adopt the draft work item without modification. **The work item was adopted at unanimity and will be added to the RSPG work programme available on the RSPG web site.**

(7) **RSPP review**

**Mr Fokko Bos (Ministry of Economic Affairs, the Netherlands) and Mr Didier Chauveau (ANFR, France)** were appointed as the Co-Rapporteurs of the Working Group.

Mr Chauveau confirmed that the activity is planned to be launched still in 2014 and introduced the amendments proposed in the draft work item.

**The RSPG Chairman** proposed to adopt the draft work item.

**The work item was adopted at unanimity and will be added to the RSPG work programme available on the RSPG web site.**

(8) **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 an update on Italy-Malta, as well as with regard to other MS who suffer from interference originating in IT.

In this regard, he reported on the compensation scheme that is being introduced by Italy with a view to obtain the switch-off of the relevant transmitters by December 2014. However, the switch-off will be delayed until April 2015 due to the need to increase the compensation budget.

**The Commission representative** expressed his disappointment concerning the further delay of switch-off. He further confirmed the Commission's full support as regards cross-border coordination issues.

**The RSPG Deputy Chairman** confirmed the need for fast results. He then thanked the Rapporteur for the excellent work and concluded the agenda item.

**(9) Commission activities related to radio spectrum policy**

Due to timing constraints the RSPG chairman referred to the written report on the subject<sup>1</sup>.

**(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 **next RSPG meeting** (RSPG#36) will take place in Brussels on **Thursday 19 February 2015**.

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<sup>1</sup> RSPG14-576 (rev3)