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RSPG15-629

PUBLIC DOCUMENT

RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of RSPG#38 on 15 October 2015

RSPG #38
Brussels, 15 October 2015

SUMMARY OF RESULTS

The RSPG elected Philip Marnick (UK) as the new RSPG Chair and thanked the outgoing Chair Gilles Bregant (FR) for his service. The RSPG also elected Jonas Wessel (SE) as Deputy Chair and thanked the outgoing Deputy Chair Finn Petersen (DK) for his service. The new RSPG chair and Deputy Chair will start their mandate at the beginning of next year.

The RSPG welcomed the draft Report on "Efficient awards and use of spectrum" and agreed to its publication for public consultation.

The RSPG also welcomed the draft Opinion on "Future spectrum challenges (implementation of the current RSPG and key issues to be addressed in the next period)" and further to some improvements agreed to publish it for public consultation.

The RSPG finalised its' draft RSPG work programme "2016 and beyond", and agreed that both documents should also be posted for public consultation. RSPG agreed to develop an Opinion on DSM and Telecom FWK by mid-January and to approve it by written procedure.

The RSPG also reviewed a report from the working group on "EU Assistance in Bilateral Coordination" and noted the commitment of the Italian administration to address outstanding issues as a matter of urgency while regretting the further delays in solving this issue.

The RSPG welcomed the "What if" meeting organised by the European Commission on the previous day (14th October) to allow RSPG members to exchange views on the upcoming review of the regulatory framework for electronic communications, and in particular spectrum management and wireless connectivity. RSPG thanked the European Commission for this initiative which could be reiterated in the future on the basis of more concrete proposals for discussion.

The RSPG agreed to publish in the RSPG web site a document on the "last 3 years" explaining the main achievements of the RSPG and contribution to Spectrum Policy

MEETING REPORT

(1) Introduction to RSPG #38

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

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

(2) Election of a new Chairperson and Deputy Chairperson

As required by Article 8 of the RSPG Rules of procedure, the RSPG was required to elect a new Chair and Deputy Chair at this, the last RSPG Plenary meeting before the end of the outgoing Chair and deputy Chair's term of office. One candidature had been received for the position of Chair – Mr Philip Marnick from the UK, and one for the position of Deputy Chair – Mr Jonas Wessel from Sweden. Both were duly elected unanimously by the RSPG membership. The new RSPG chair and Deputy Chair will start their mandate at the beginning of next year.

(3) Update on Commission Initiatives

The European Commission thanked RSPG members for participating the previous day in the "What if" meeting organised to allow for an informal exchange of views on the telecoms framework and spectrum issues in particular. The discussion had been useful and informative and the Commission had taken note of the views expressed as part of the wider ongoing public consultation on the review of the framework (running from 11 September to 7 December 2015). The Commission confirmed that it was happy to consider repeating the format if the RSPG would find this useful, noting that the RSPG planned to finalise an opinion in response to spectrum issues raised by the public consultation and on the DSM by the end of January 2016 (i.e. before the next RSPG meeting on 24th February 2016).

RSPG members thanked the Commission for organising the previous day's reflection meeting and agreed that it had been useful in exchanging views on the matters discussed. The RSPG chairman concluded that form of consultation could be reiterated in the future on more concrete proposals, when appropriate.

The Commission also confirmed the intention to publish a legislative proposal at the beginning of next year related to the 700 MHz band.

(4) Efficient Awards and use of Spectrum

The Rapporteur, Mr Chris Woolford (UK) introduced the 5th progress report of the RSPG working group's activities (RSPG15-618) and the draft report on this subject for adoption and approval for public consultation (RSPG15-619). Mr Woolford noted that it was unusual for the RSPG to make a draft report available for public consultation but

the scope of and level of interest in the issues covered by this work item was inevitably of major interest to many stakeholders. RSPG members agreed that the draft report represented a major achievement in terms of the scope of the issues covered and thanked the working group and the rapporteur for their efforts. The Commission also welcomed the draft report, and noted that it could perhaps be usefully further extended by including considerations about relevant European objectives as well as national ones. The RSPG agreed that the report (subject to some minor editorial amendments) should be posted for public consultation before its planned adoption at the February 2016 RSPG meeting.

(5) Review of the RSPP

The Rapporteurs, Mr Fokko Bos (NL) and Mr Didier Chauveau (FR), introduced the 3rd progress report of the working group's activities (RSPG15-620) and the draft opinion (RSPG15-621 rev) for approval for public consultation. RSPG members welcomed the draft Opinion presented by the working group, noting that it could usefully be retitled " RSPG Opinion on future spectrum challenges: the implementation of the current RSPP and its revision to address the next period" to more accurately reflect its content and the fact that the Commission did not currently anticipate presenting a proposal for a new RSPP in the near future. Some improvements have been made during the meeting to avoid misunderstanding concerning the harmonised spectrum for ECS which still remains unavailable in some Members States. The Commission welcomed the Opinion while underlining that it was important to continue efforts in relation to the target of 1200 MHz of harmonised spectrum to support further ECS evolution. While neither the draft opinion nor the Commission has identified an urgent need to review any specific aspect of the current RSPP, the Commission is considering a review of the spectrum regulatory issues more broadly in the context of the overall telecoms review. The Commission also noted that the issues related to the common EU position for WRC had now become essentially a legal matter which may well need to be subject to a legal clarification before WRC19. The RSPG agreed that the draft Opinion should be posted for public consultation before its planned adoption at the February 2016 RSPG meeting.

(6) RSPG Work programme

The rapporteurs, Mr Robert Lindgaard (DK) and Mr Didier Chauveau (FR) introduced a progress report of the working group on this subject (RSPG15-622) and a draft RSPG work programme (RSPG15-623) for approval for public consultation. RSPG members also discussed the possibility to include "indoor coverage" as an additional work item but noted that this issue was not perhaps primarily a spectrum issue. The RSPG duly agreed to approve the draft work programme as drafted for public consultation. The RSPG agreed to reconsider later at the next meeting the need for further actions on "indoor coverage" in particular via a possible common workshop with BEREC.

Mr Fokko Bos (NL), Mr Chris Woolford (UK) and Mr Didier Chauveau (FR) then introduced a background note (RSPG15-627) on the "Digital Single Market – Telecoms Regulatory Framework issues". This noted that the RSPG had previously agreed that it would not respond directly to the Commission's public consultation but instead develop an RSPG Opinion in a short time frame, setting out high level principles and

RSPG positions in respect of the issues covered by this European Commission public consultation.

Given the relatively short deadline to prepare the RSPG opinion, RSPG agreed on the proposed way forward in the RSPG doc 15-627 that an RSPG Working group addressing this issue would meet in December (since confirmed for 16 December at Maisons-Alfort, France) with the intention to circulate a final draft opinion for approval by written procedure before the end of January 2016. (Noting that, according to Article 7 of the RSPG Rules of procedure, RSPG members should have at least 14 calendar days to consider such a draft before adoption)

(7) EU assistance in bilateral coordination

The Rapporteur, Mr Eric Fournier (FR) presented the 10th progress report of the working group dealing with this issue (RSPG15-624) noting that the group had worked already for a number of years on the issue of cross-border coordination and interference between Italy and neighboring countries. Italy had taken steps in 2014 to introduce compensation for broadcasters to prevent problems for neighbouring countries but disappointingly this plan had unfortunately been delayed and was still not executed. . The RSPG Deputy Chair requested Italy to do its utmost to commit to a definitive transition roadmap and submit the roadmap to the RSPG no later than January 2016. The Commission stated that, from its point of view as guarantor of Union law, the role of the good offices exercise in securing an amicable solution appeared to be in question. In response, the Italian representative expressed the regret of his administration that the matter remained unresolved, noting that steps were being taken and asking the RSPG to postpone any decision to discontinue good offices at least until the next meeting in February. This was accepted by the meeting.

Statement from Italy:

Italy regrets and apologizes for this further delay, mentioned in the report, to solve the harmful interference with the neighboring countries. Italy is doing a big effort to reach a complete solution of this matter, and we ensure these problems are the priority of both the Ministry and the Agcom. It is also a priority at high political level, in fact in the last two years, the Italian Parliament and the Agcom have issued two Laws and two Delibera/or decisions dedicated to this issue. As you know the last deadline, for the release of interfering channels from use, was established on the next 30 November 2015, unfortunately, as [the Rapporteur] mentioned, that date could be not respected. The Agcom Authority, tomorrow (16 October) is going to have a Board and should give more details about the request of Ministry regarding the possibility to plan for further coordinated resources for local operators. Keeping into account the output of the Agcom Board, the Ministry will soon start the procedure for the release of interfering channels.

Regarding the last interfering situations announced by Malta (ch 38), Slovenia (ch 22) and France (34 and 37) we have charged the local inspectorate to investigate and to switch off immediately the illegal transmitters. Italy understands the need of all the neighboring countries to have clear channels and the urgency of Malta to use the channel 43 instead of the ch 66; however the Sicily region will be examined in advance of all the other regions. So concluding Italy asks RSPG to postpone the decision on the

good offices until the next RSPG meeting in February, while we try to speed up and conclude the measures that have already started.

(8) Other Policy matters

The Commission report (RSPG15-625) was noted. An additional oral report was provided by the Chair of the Radio Spectrum Committee (Mr Andreas Geiss, Commission) on the most recent RSC meeting on 7th October 2015.

(10) Administrative/organisational matters

The RSPG Chair introduced document RSPG15-628 entitled "the last 3 years" explaining the main achievements of the RSPG and contribution to Spectrum Policy during his term. RSPG agreed that the document would be published on the RSPG website.

- (5)** The next RSPG meeting (RSPG#39) will take place in Brussels on 24th February 2016, with subsequent meetings during 2016 on 8th June (RSPG#40) and 9th November (RSPG#41).

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