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## **RADIO SPECTRUM POLICY GROUP**

***Comments from Italy about Document RSPG21-029 – “RSPG Opinion on the application of EECC Article 28(3) in relation to cross-border interference problems between Italy and Croatia in the UHF band.***



# Ministero dello Sviluppo Economico

DIREZIONE GENERALE PER LE TECNOLOGIE DELLE COMUNICAZIONI E LA SICUREZZA INFORMATICA  
ISTITUTO SUPERIORE DELLE COMUNICAZIONI E DELLE TECNOLOGIE DELL'INFORMAZIONE

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**Subject: Comments from Italy about Document RSPG21-029 – “RSPG Opinion on the application of EECC Article 28(3) in relation to cross-border interference problems between Italy and Croatia in the UHF band.”**

Italy expresses its willingness to offer maximum cooperation to achieve the objectives set out in the Draft Opinion. Nevertheless, the Italian administration considers it necessary to clarify its position with respect to some points of the Draft Opinion and kindly requests that this position be recorded in the minutes of the meeting.

**A first point** to clarify is that the future adoption of the new digital terrestrial standard (DVB-T2 HEVC) in Italy will make it possible to satisfy the needs of content broadcasters by using fewer frequencies; in turn, this will allow to fulfil Croatia's requests, i.e. to free up both the 700 MHz band and the TV channels to which it is entitled.

In order to achieve this goal, Italy has, since 2018, established by law a roadmap for the adoption of DVB-T2 HEVC and the concurrent release of all affected channels. The deadline of the roadmap is June 2022, in accordance with Decision (EU) 2017/899, which allowed each Member State to schedule a delay of two years with respect to the first deadline of 30 June 2020 for the release of the 700 MHz band. Part of the results (in particular the release of channels 50-53 in the 700 MHz band and the release of Croatian TV channels in northern Italy) were scheduled by December 2021: this advance was arranged to meet the needs of neighbouring countries.

In this scenario, which is guaranteed by Italian law, the possibilities for the Italian administration to further advance the deadlines are very limited. This is due, *inter alia*, to legal problems: the individual authorisations granted to broadcast operators, if modified by the Administration on its own authority, result in the reaction of the operators turning to the courts (specifically: the Regional Administrative Courts), with high chances for them to obtain reason or at least a delay in compliance. This has already occurred in the past in similar cases. As a result, it will be extremely difficult to achieve significant results in advance of the roadmap deadlines – that, as already mentioned, are respectively December 2021 or June 2022 depending on the channel and region concerned.

Therefore, the Italian administration intends to enter into negotiations with the broadcast operators in order to obtain their *consent* to change the channel, instead of following the route of *imposition*, which is doomed to failure and delay.



As a consequence, Italy cannot make a commitment to respect the deadlines currently set in the Draft Opinion; however, it guarantees to make all possible efforts to achieve the indicated objectives, as well as to mitigate all residual interference situations in the period from now until the completion of the roadmap, according to the priorities indicated in the proposed solution.

A **second point** is related to the content of section “3. Proposed coordinated solution”. Italy asks to define solutions that respect **the principle of proportionality** with respect to the objectives to be achieved. Now the main objective for Croatia is to have frequencies free from harmful interference; even more, the interference-free situation should only be guaranteed when the frequencies are actually put into use.

In this sense, the deadline of July 1<sup>st</sup>, set in both the first point of paragraph 3.1 and the first point of paragraph 3.2, seems disproportionate: in the first case, it is unrealistic, as it leaves only two weeks from now to achieve the required result; in the second case, it is noted that, according to the news, the tender for the allocation of the 700 MHz band in Croatia has just been launched and the licences cannot be allocated before a few months – therefore, the indicated deadline seems unnecessarily anticipated.

If these considerations are deemed acceptable, then Italy proposes to modify the Draft Opinion as follows:

- to add the phrase “*or at least to remove any harmful interference*” after the word “*switch-off*” wherever used in the bullets of par. 3 (recalling that in any case the switch-off will take place at the latest according to the deadlines of the Italian roadmap);
- to modify the current deadlines to make them more proportionate to the real objectives to be achieved, also taking into account the extremely limited possibilities of bringing forward the timetable of the Italian roadmap.

In any case, the Italian administration would like to thank all those who have actively participated over the past few months in the debate, which has always been conducted in a spirit of cooperation and understanding of each other’s positions, and confirms that it will do everything within its power to honour the solution to be worked out by the RSPG.