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RADIO SPECTRUM POLICY GROUP

Progress Report of the RSPG Sub-Group

on “Good offices” to assist in bilateral negotiations between Member States

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Progress Report of the RSPG Sub-Group on “Good offices” to assist in bilateral negotiations between Member States

The “Good offices” Sub-Group (SG) held one meeting since the 64th Radio Spectrum Policy Group. The meeting was held on the 22nd October and continued discussing the various open issues concerning cross-border coordination.

The report of the meeting is annexed to this progress report and an executive summary of the key discussion points is provided below.

1. Update on the development of the Adriatic and Ionian regional agreement for DAB

The Adriatic and Ionian group held several meetings since May 2024 and progress was registered on the finalisation of the DAB regional agreement for the Adriatic and Ionian region. The discussions are expected to continue and depending on the progress made, the agreement may be signed in the first quarter of 2025.

The activities of the group included the exchange and examination of technical data pertaining to broadcasting transmission networks. In case of disagreement, efforts are made to find compromise solutions through bilateral or multilateral discussions.

All discussions between Italy and Montenegro were successfully concluded, however the discussions between Italy and its neighbouring countries Croatia and Slovenia on some specific frequency assignments are still ongoing. Discussions are also still ongoing between Albania, Greece and North Macedonia and these countries are committed to finding solutions in the shortest possible timeframe. Multilateral discussions between these countries and Bulgaria and Serbia have been scheduled. In addition, in line with previous discussions Croatia is still seeking for clarity with respect to the arrangement between Italy and San Marino which is required to avoid any disputes which may arise in the future.

The good progress made by the members of the Adriatic and Ionian group and their good spirit of cooperation must be acknowledged which augurs well to a successful conclusion of the process. The SG extended its availability to support the group as necessary.

2. FM harmful interference around Italy

The FM harmful interference problems caused by Italy to Croatia, France, Malta and Slovenia persist since no single interference case has been resolved, including those forming part of the priority list.

Italy reported that the DAB platform was developing at a fast pace and this will minimise the dependency on the FM band. For financial related reasons, certain DAB networks may not find it viable to simulcast the same content also on the FM band and this may result in the release of some FM frequencies. In this regard, Italy was seeking for a temporary consent from its neighbouring countries for the use of certain frequencies for local DAB networks. These local networks will have their DAB frequencies aligned with the DAB agreement for the Adriatic and Ionian region once this is signed.

The following lists Italy's actions on improving the FM harmful interference situation with neighbouring countries.

i) Voluntary compensation scheme

The voluntary compensation scheme is still being considered by the Ministry of the Economy and Finance, being the competent ministry responsible for the budget law. No confirmation could be provided on the acceptance of this scheme and on the amount of funds to be allocated to it.

ii) Review of comments made at litigation cases

Italy wanted to avoid entering into new litigation cases but it embarked on a process to review past litigation cases with a view to enhance its internal procedures. It was analysing comments made by judges and identifying measures to avoid similar comments in case a new case is filed in the future. As an example, it referred to comments made by a judge who questioned the credibility of interference reports submitted by a neighbouring country.

iii) Addressing specific interference cases

Together with their local office, Italy started discussing the interference case affecting Croatia's Biokovo transmission site. In due course, the local office will involve the Italian operators in the discussions. Italy also presented its approach on how to treat and assess harmful interference cases, based on the GE84 provisions and guidance provided by the ITU.

The discussion focused on points (ii) and (iii) above, where it was argued that the Italian courts do not take into account the obligations which Italy must respect under European and international law, as well as that the Italian stations causing cross-border interference generally operate without a corresponding entry in the GE84 plan and MIFR.

Croatia and Slovenia expressed their disappointment that no single interference case was resolved, and considered that the interference reports submitted to Italy according the Appendix 10 of the Radio Regulations include all information necessary to treat the interference case. These countries and France disagreed with Italy's approach on the treatment of FM interference problems.

Concerning the Biokovo case, Croatia reiterated that based on past studies no effective mitigation measure was identified and it concluded that the interference may only be resolved by switching-off or migrating the Italian station. Croatia has also submitted 986 interference reports to Italy as a result of a new monitoring campaign.

Regarding the specific issues being discussed between France and Italy, progress was made on regularising the French transmissions from Elba island and this process is expected to be concluded by end 2024. However the other bilateral issues are progressing at a slow pace and France is still awaiting Italy to update the database of Italian transmission networks.

Regarding the EC letter sent to Italy in February 2024, which letter is still unanswered, Italy confirmed that it will be preparing a reply to this letter. It will also be evaluating whether to share the internal working group report (or its modified version) with the EC.

The SG appealed to Italy to expedite its processes earmarked to resolving FM harmful interference and acknowledged that in the current circumstances it was still not possible to prepare a roadmap as requested by the RSPG #59 on the FM band.

3. DAB interference around Italy

The discussion focused on claims made by Croatia at the May meeting of the SG concerning irregular use by Italy of various DAB frequency blocks. Italy stated that the use of the frequency blocks descend from old authorisations and roadmaps were established when the transmissions on these resources should be switch-off. Following the switch-off process, all authorisations will be aligned with the AGCOM provisional national DAB plan.

DAB interference reports were also sent by Slovenia to Italy.

The SG reaffirmed that it was critical to ensure compliance with the EECC and ITU rules and hoped that the timeframes established in the Italian roadmaps will be respected.

4. 700 MHz interference

The SG debated cases of harmful interference caused by the TV transmissions of Albania to 700 MHz wireless broadband electronic communications networks of Greece, Italy, Montenegro and North Macedonia.

Albania informed the SG that in response to the 700 MHz interference reports, the operators were notified and measurements undertaken. Technical solutions to resolve the reported interference cases could not be enforced on the operators. The dates when the 700 MHz band will be released could not be provided by Albania at the meeting but it was indicated that the competent entity responsible for the process was the ministry responsible for infrastructure.

In the circumstances, the SG requested the EC for political support in resolving the 700 MHz interference caused by Albania television transmissions to neighbouring countries.

5. External related issues

Ukraine

Communication was made with the equipment manufacturer on the possibility of providing combiners for six TV stations in the Zakarpatje region of Ukraine and organising a training for five people. The company kindly agreed to satisfy such a request and provided a breakdown of the costs required to cover this expense.

The EC will examine the possibility to exceptionally cover the expenses subject to adherence to certain rules concerning financing. In this regard Ukraine was requested to clarify the possibility of financing this project through a Ukrainian state institution and to present a full picture to satisfy the needs of all EU countries experiencing harmful interference from Ukraine. This issue is still under consideration by Ukraine.

6. Date of next meeting

The SG will be holding its next meetings on the 15th January 2025 (09:30-12:30hrs.) in virtual format.

ANNEX

REPORT

RSPG SUB-GROUP

“Good offices” to assist in bilateral negotiations between Member States

Web meeting, 22nd October 2024

The co-chairs welcomed the participants to the meeting of the RSPG Sub-Group of the ‘good offices’. The draft agenda of the meeting was then considered and subsequently approved.

1. Update on the development of the Adriatic and Ionian regional agreement for DAB

Italy provided an overview on the state-of-play of the discussions taking place within the Adriatic and Ionian group. The group reconvened on several occasions since May 2024 and progress has been made on various elements of the draft agreement. Additional meetings were already scheduled and depending on the progress achieved, the agreement may be signed in the first quarter of 2025.

The discussions within the Adriatic and Ionian group focused on defining the list of assignments intended to be incorporated in the draft agreement (i.e. those assignments approved by all the concerned countries). This process included the exchange of technical data pertaining to the broadcasting transmission networks and their subsequent examination. In case of disagreement, efforts are made to find compromise solutions through bilateral discussions. Some of these disagreements are still under discussion, such as those between Albania, Greece and North Macedonia.

Italy reported that solutions were found with Montenegro on all issues but discussions were still ongoing with Croatia and Slovenia on some specific assignments.

Greece confirmed that a solution still needs to be found to the cross-border coordination issues with Albania and North Macedonia. The group was informed that on 21 October, Albania provided an updated plan and from a preliminary examination this plan cannot be accepted. Nonetheless, Greece was hopeful that solutions will be found at their next tri-lateral meeting.

Albania noted that its updated plan had the intent to address the issues with the other administrations and expressed willingness to continue cooperating with the concerned countries so that solutions are found. In the interim, Albania will be working on a new proposal.

North Macedonia added that frequency coordination meetings concerning DTT, DAB and FM broadcasting services were held during the summer period. Exchanges with Greece led to finding solutions on the frequency plans, which have been mutually accepted. The updated plan submitted by Albania will be examined and comments provided prior to the forthcoming tri-lateral meeting. Bulgaria and Serbia were also invited to participate in the discussions. North Macedonia confirmed its willingness to continue cooperating with all the concerned countries.

Croatia stressed that San Marino is an important country due to how the frequencies are distributed between the East and West side of the Adriatic and Ionian sea. San Marino would like to retain its GE06 rights (i.e. channel 7 and frequency blocks 12B and 12C) and pursuant to the new plan these frequency resources are designated for use by the East side. San Marino's confirmation on Croatia's proposed frequency assignments was required for Croatia to sign the agreement.

Italy clarified that San Marino and Italy reached an agreement on radio frequencies for broadcasting services which recognised that a new agreement will be established between countries in the Adriatic and Ionian region. The letter which Italy shared with the Adriatic and Ionian group provides guarantees that the agreement for the Adriatic and Ionian region will be implemented without any issues.

In response, Croatia noted that as per the letter shared by Italy, San Marino confirmed that it will be accepting the final arrangement of the Adriatic and Ionian plan, but reserved its right to comment. In this regard Croatia was seeking clarifications to avoid any disputes with San Marino in the future.

In conclusion, the Good offices noted the progress made by the Adriatic and Ionian countries on the development of the regional agreement for the VHF band, and the good spirit of cooperation between all concerned parties. The Good offices extended its availability to support as and when requested.

2. FM interference around Italy

Update from Italy on the work done by the working group dealing with FM interference

Italy reported that the DAB platform was developing quickly and this will contribute to minimise the dependency on the FM band, even though any measures on FM broadcasters will be on a voluntary basis. Certain DAB network operators may not find it financially viable to simulcast the same content also on the FM band and this may lead to the release of some FM frequencies.

Italy also referred to licences issued to local DAB networks facing the Adriatic countries and stated that it started to communicate with the neighbouring countries on the stations to be authorised. Given that the continued use of the licensed frequencies by these local DAB networks is conditional on the regional DAB agreement for the Adriatic and Ionian region

(which still needs to be finalised), Italy only will be requesting for a temporary consent on the use of the frequencies from its neighbours. For the same reason, Italy does not intend to register these local DAB stations in the GE06 plan. Italy reported that Montenegro already responded positively to this temporary consent.

With regards to the compensation scheme, Italy reported that the proposal is still being processed by the Ministry of the Economy and Finance, being the competent ministry responsible for the budget law. The said Ministry must communicate on the acceptance of the compensation measure and on the amount of the funds to be made available for this measure. Italy expressed confidence that the proposed inclusion of the compensation scheme in the budget law will be considered positively. In the absence of these confirmations, Italy was not able to start working on the framework supporting this scheme.

Italy was also studying how to address the pending cases of harmful interference as reported by the neighbouring countries. This included a review of past interference cases and comments made by judges during litigation proceedings. In some cases, the judge questioned the credibility of interference reports submitted by neighbouring countries since in their view these were not evaluated independently, i.e. the process did not provide the possibility to perform measurements in the presence of the concerned Italian operator and therefore the case relied solely on measurements provided by the affected country. In an effort to counter these comments, Italy was trying to enhance its procedures, through for example simulations and some measurements done on Italian territory, as a means to verify the interference level measured by the neighbouring country when reporting the cross-border interference. This will provide an opportunity to initiate a dialogue with the affected country in case this verification process is not satisfactory.

Italy will also be rationalising the procedures applied by the local offices with the local operator when assessing cross-border interference reports to ensure that they are clear, robust and transparent. In particular, in liaison with the Lazio-Abruzzo local offices Italy started discussing an interference case affecting Croatia's Biokovo transmission site. In due course, the local Italian operator will be involved in the discussions with the local office.

Italy stressed that their efforts aim to avoid any further litigation cases. The Good offices was informed that currently there were no litigation cases between Italian operators and local offices as a result of actions taken following receipt of cross-border harmful interference (RR Appendix 10) reports. Other litigation cases were instituted by Slovenian operators against Italian operators in Italian civil courts and no information was provided on the status of these cases.

Croatia considered that at litigation cases the courts should base their judgements after taking due account of both European Union (i.e. EECC) and international law. Regarding the measurements for reporting interference cases, these are taken in accordance with ITU instruments. For the Biokovo case, if the courts take these norms and the GE84 rights and MIFR entries into account, it will be concluded that Italy has no international rights to operate the station causing the reported interference. In addition, for the Biokovo case, Croatia noted that the measurements undertaken by it were supported by calculations conducted also by Italy

which confirmed the validity of Croatia's measurements, hence the presence of Italian interference. For this case no effective mitigation measures were found and it was concluded that the interference case may only be resolved by switching-off or migrating the Italian station.

Croatia referred to its request submitted to the RSPG in November 2022 for mediation and for finding a coordinated solution to resolve long-lasting cross-border harmful interferences from Italy. Two approaches in finding solutions were identified, namely, a comprehensive systematic approach for the overall solution of all interferences and an individual approach for identified priorities cases (e.g. Biokovo station on 89.7MHz). However, to-date, there has been no progress in solving neither one case of this long-standing problem. Furthermore, the Good Offices already considered that the voluntary compensation scheme announced by Italy may be insufficient, and in line with previous discussions Croatia expects that Italy identifies additional regulatory measures to effectively resolve the harmful interference in a reasonably short term, leading to compliance with Article 45 of the EECC and international law.

The EC representative informed the Good Offices that their letter sent to Italy in February 2024 is still unanswered and recalled that the EC has the right to act against Italy if no progress is made on the interference problems. The EC expects that adequate funds are allocated to the compensation scheme. These elements are to be understood at a political level and therefore a reply to the said letter is deemed important. Regarding the discussion concerning litigation, the EC stated that the Italian administration may also intervene in cases to ensure that European law and international law is respected.

Regarding the EC letter, Italy confirmed that a reply will be prepared and will also be evaluating whether to also share the internal working group report (or a modified version) with the EC. Italy reaffirmed that its current activities have the intent to avoid litigation cases and based on previous court judgements improve the current processes. Italy also presented its views on how to treat and assess harmful interference cases as per the GE84 provisions and guidance provided by the ITU.

Slovenia expressed disappointment to the fact that during the past 10 years no single interference case has been resolved, including priority interference cases. Slovenia considered that the Appendix 10 interference reports provide all information necessary to resolve interferences, but the main problem focuses on the fact that Italy licenses uncoordinated frequencies. Regarding the information provided by Italy concerning the treatment of interference cases, Slovenia considered that the interpretation of the values by Italy was incorrect since the application of the usable field strength value that is registered in the GE84 cannot be applied to any area but calculated on the basis of the impact of other stations taking into account the location of the transmitting station. It clarified that the value of the usable field strength that is registered in the GE84 is calculated for one point and is used as a reference to evaluate the impact of additional interference. Slovenia stressed that if Italy applied ITU rules in the first-place, neighbouring countries would not have suffered interference caused by uncoordinated Italian transmissions. Slovenia emphasised that unless the EC takes legal action against Italy, the harmful interference situation on the FM band will not be improved. This assessment was supported by Croatia and France. These countries expressed concern on how Italy is assessing cases of harmful interference.

Italy reiterated that the information provided was based on ITU documents and clarifications sought with the ITU. It acknowledged the presence of consistent harmful interference problems but was important to represent such problems correctly. It clarified that an uncoordinated station is not necessarily an illegal station as long as it does not cause harmful interference problems. Italy committed to share the slides with the group together with some reference to ITU documents after the meeting.

In conclusion, the Good Offices, noted the activities taken by Italy towards this long outstanding issue and appealed that the actions targeting the resolution of specific interference cases are expedited in order to start registering improvements to the interference situation in the region. In the current circumstances, concrete timeframes concerning the implementation of actions by Italy could not be established and therefore it was still not possible to prepare a roadmap as requested by the RSPG #59.

Italy-France

France reported that no progress was made on the pending interference case of Bonifacio and provided an overview on the bilateral discussions held since the last Good offices meeting.

The studies concerning the compatibility of frequency assignments was still ongoing, where around 50 assignments were under consideration. Some French coordination requests were published in Part A of the GE84 and some of these were rejected by Italy due to lack of resources. France urged Italy to make available the necessary resources to process these requests in a timely manner.

France noted that progress on the various issues was moving at a slow pace, but noted that at their October bilateral meeting, agreement was reached on a new set of parameters and consequently new technical assessments need to be carried out. The Italian database shared by Italy earlier this year contains missing data and Italy was requested to provide such as soon as possible. Significant progress was made on the case concerning the Elba island, where it is expected to finalise the regularisation process by end 2024.

Italy confirmed that the local offices are working to update the database of Italian broadcasting stations and will endeavour to make the updated database available to France prior to the next meeting bilateral meeting, scheduled to take place on the 15th November 2024.

Italy-Malta

No progress reported.

Italy-Slovenia

No progress reported.

Italy-Croatia

No progress reported.

Croatia informed the Good offices that a new monitoring campaign has been finalised and 986 interference reports were sent to Italy regarding the FM band.

3. DAB interference around Italy

Reference to the claims raised by Croatia at the May meeting of the Good offices on the irregular practice by Italy as regards non-conformity with the GE06 agreement, Italy stated that it enjoyed GE06 rights for 7D in Abruzzo, 12A in Puglia, Emilia Romagna and Friuli, 12B in Abruzzo and 12D in Veneto regions. Italy however had no GE06 right for 12C in the Puglia region. Regarding 7C and 7D Italy clarified that the use of these frequency blocks was of a temporary nature and without affecting neighbouring countries.

In response, Croatia stated that for the interference on 12B and 12D Italy had a GE06 registered allotment but without any coordinated assignments. It remarked that these frequency resources were also GE06 registered rights to other countries including Croatia in the Istria region. Regarding 12C, Italy had no rights but Croatia enjoyed a GE06 registered allotment. As to the interference on 12A Croatia stated that the interference was reported in Teramo and Pescara with no GE06 rights located in these specific areas for Italy. Croatia had a right to use 12A across the Abruzzo region.

Slovenia reported that in addition to 7D (reported in a previous meeting), it sent interference reports on channel 6, which is a GE06 right for the western part of Slovenia.

In response Italy clarified that the measured emissions are not considered illegal and the coordination procedure will be triggered following signature of the Adriatic and Ionian regional agreement. Italy indicated that the Ministry issued roadmaps which include switch-off dates of frequency blocks deriving from old authorisations (e.g. Umbria: 3 October, Friuli Venezia Giulia: 26 February 2025, Lombardia: 17 February 2025, Marche: 15 December 2024, Veneto, Abruzzo, Molise and Basilicata: 27 February 2025). Following the switch-off process, all authorisations will be aligned with the AGCOM provisional national DAB plan.

The Good offices noted the exchanged of information on the various reported cases and hoped that the switch-off dates indicated by Italy will be respected. A general improvement to the DAB interference situation is expected following signature of the Adriatic and Ionian agreement but in the interim period, compliance with the EECC and ITU rules needs to be ensured.

4. 700 MHz interference

Greece informed the Good offices that their 5G networks are still experiencing harmful interference caused by the TV stations of Albania operating on channels 51, 52, 53, 54 and 56.

Italy also confirmed that the harmful interference coming from Albania persists which is affecting Italian 5G networks predominantly in the Puglia region. Italy informed that the harmful interference was critical.

The mobile networks of Montenegro were also experiencing strong harmful interference coming from Albanian TV channels on 51 and 53. Similar harmful interference is also experienced in North Macedonia on TV channels 51, 52, 53 and 56.

The affected countries requested Albania to cease broadcasting on these TV channels as soon as possible.

Albania informed the Good offices that in response to the 700 MHz interference reports, the operators were notified and measurements (including joint measurements) undertaken. Technical solutions to resolve the reported interference cases cannot at this stage be enforced on the operators. The dates when the 700 MHz band will be released could not be provided by Albania at the meeting but it was indicated that the competent entity responsible for the process was the ministry responsible for infrastructure.

In the circumstances, the Good offices will be requesting the EC for political support in resolving the 700 MHz interference caused by Albania television transmissions.

5. Cross border activities with non-EU countries

Ukraine

The co-chair informed the group that contact was made with the equipment manufacturer on the possibility of providing combiners for six TV stations in the Zakarpatje region of Ukraine and organizing a training for five people. The company kindly agreed to satisfy such a request and provided a breakdown of the costs required to cover this expense.

The EC will examine the possibility to exceptionally cover the expenses subject to adherence to certain rules concerning financing. In this regard Ukraine was requested to clarify the possibility of financing this project through a Ukrainian state institution and to present a full picture to satisfy the needs of all EU countries experiencing harmful interference from Ukraine. This issue is still under consideration by Ukraine.

6. Date of next meetings

The Sub Group will be holding its meeting on the 15 January 2025 (09:30-12:30hrs), virtually.

List of participants

No. of participants: 31

Country	Organisation
Albania	Authority for Audiovisual Media (AMA)
	Albanian Authority for Electronic & Postal Communications (AKEP)
Austria	Ministry of Finance (BMF)
	Broadcasting Regulatory Authority (RTR)
Greece	Ministry of Digital Governance
Finland	Finnish Transport and Communications Agency (TRAFICOM)
France	French National Frequency Agency (ANFR)
	French Regulatory Authority for audio-visual and digital communication
Croatia	Croatian Regulatory Authority for Network Industries (HAKOM)
Italy	Ministry of Enterprises and Made in Italy (MIMIT)
	Italian Communications Regulatory Authority (AGCOM)
Lithuania	Communications Regulatory Authority of the Republic of Lithuania (RRT)
North Macedonia	Agency for Electronic Communications
Montenegro	Agency for Electronic Communications and Postal Services
Malta	Malta Communications Authority (MCA)
Poland	Ministry of Digital Affairs
Sweden	Swedish Post and Telecom Authority (PTS)
Slovenia	Agency for Communication Networks and Services (AKOS)
	Ministry of Digital Transformation
Slovakia	Regulatory Authority for Electronic Communications and Postal Services
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