



**EUROPEAN COMMISSION**  
Information Society and Media Directorate-General  
Electronic Communications Policy  
**RSPG Secretariat**

Brussels, 16 February 2009  
DG INFSO/B4/RSPG Secretariat

**RSPG09-265**

**PUBLIC DOCUMENT**

## **RADIO SPECTRUM POLICY GROUP**

**Subject: Chairman's Report of RSPG#18, 11 February 2009**

**RSPG #18**  
**Brussels, 11 February 2009**

Summary

**(1) Introduction to RSPG#18 and final adoption of the RSPG work programme 2009**

The RSPG Chairman, **Mr Dániel Pataki**, opened the meeting and noted the approval of the agenda<sup>1</sup>. The Chairman also presented the key features of the recently adopted work programme 2009<sup>2</sup>. Mr. Pataki stressed that this year's work programme concentrates on strategic topics and is also visionary from a number of aspects. Due to the adoption by the RSPG, for the first time, of a fully detailed work programme, he recommended that activities already included in the programme should not be subject any longer to individual approval and that future adoption of Requests for opinions should be looked at on a case by case basis. This will help reducing the bureaucratic load and speed up the main work. Next to the Opinions, which are the most significant and strategic output from the RSPG, Mr Pataki welcomed the use of other, more flexible, means to deliver advice and exchange information such as the "Reports", "Position Papers" or "Statements", which can be adopted in a more timely fashion as they do not all require specific working groups and formal consultation. In some cases, reports and position papers may also be interim steps leading later to the development of Opinions when subjects are more mature. It was also announced that the RSPG website will be improved in the next months. The website will be more user-friendly and contain up-to-date information on the activity of the RSPG.

**The Commission representative, Mr Bernd Langeheine**, welcomed the new work programme as well as the increased flexibility in working methods.

**The RSPG** endorsed the work programme and also welcomed the new approach to the work organisation.

**(2) Digital dividend**

*Reporting on the progress of the working group on the digital dividend*

**The Rapporteur** for this activity, **Mr Mike Byrne** (COMREG, Ireland), reported on the first meeting of this working group which took place on 8 January in Dublin<sup>3</sup>. The meeting was well attended with twelve Member States represented and the

---

<sup>1</sup> Document RSPG09-254. This document, as well as all subsequently quoted RSGP documents, are available on the public RSPG web site at [http://rspg.ec.europa.eu/meeting\\_documents/index\\_en.htm](http://rspg.ec.europa.eu/meeting_documents/index_en.htm)

<sup>2</sup> Document RSPG09-253 rev.1

<sup>3</sup> Document RSPG09-257

Commission. The work is on track for delivering a draft position paper at RSPG#19 in May. This will normally require two additional meetings. Mr. Byrne mentioned the good cooperation with the consultants carrying out the Commission study, which has helped to avoid duplication of information gathering. The working group has, however, issued a small complementary questionnaire to administrations to obtain up-to-date information on the specific status of the upper part of the UHF (the so-called WRC sub-band). The Rapporteur stressed the strategic importance of this activity and asked Member States to ensure in consequence a proper involvement at senior policy level.

Mr. Byrne pointed out that one of the main issues to consider is the consequences of a clear preference for *service and technology neutrality* (WAPECS) for the parts of the digital dividend used by services other than classical broadcasting.

Mr. Byrne finally requested Member States to give comments on the five significant issues which the group had identified, and which were presented in a preliminary internal draft position paper<sup>4</sup>, namely on:

1. Types of potential services to operate in the digital dividend spectrum, as a basis for future spectrum planning
2. Time frame of main milestones and impact on EU coordination
3. International frequency coordination aspects
4. How to finance costs incurred for accelerating the release of the digital dividend (e.g negotiated refarming).
5. Scenarios for the availability of dividend spectrum on a coordinated basis

Discussion on work progress:

**The RSPG** gave a positive reaction to the first steps already achieved by the working group. Some delegations warned against addressing cost issues in too much detail, as financial compensation is largely a Member States' responsibility. There was wide support for considering the WRC (i.e. 800 MHz) band as the most promising potential band for coordination at EU level. In this context, several RSPG Members supported the prospect of service neutrality/WAPECS approach, in particular with a view to allowing this band to be used by a wide variety of broadband applications (fixed as well as mobile). However, some RSPG members took the position that this should not exclude, in specific cases, favouring a WAPECS approach also below 790 MHz.

**The Commission** welcomed the progress of the working group. **Mr. Langeheine** supported the focus on the 790-862 MHz band but called on RSPG not to limit itself to this band as the real opportunities are wider. He also insisted that the timing of the RSPG's adoption of its position is critical in order to have an influence on the EU process.

---

<sup>4</sup> This paper is not published as it is work in progress at this stage.

**Mr. Byrne** confirmed that his intention was not to limit the scope to the upper part of the UHF band but only to concentrate on this part as a logical step. The group should keep in mind the overall economic benefits that can be derived from the dividend.

*Status of the Commission study:*

On behalf of the Commission, **Mr. Philippe Lefebvre** gave an overview on the status and next steps of the Commission study entrusted to the Consortium led by Analysys Mason. Details are available in the slides of the presentation<sup>5</sup>. Mr. Lefebvre stressed that the activities are on schedule and that the consultants should be able to deliver their key recommendations to the Commission, as planned, at the end of May or beginning of June. Once the Commission has decided on the key scenarios and options to retain, the consultants will undertake, during the summer period a final detailed impact assessment of each of these options and scenarios. The main forthcoming external activities are the stakeholders' hearings to be held on 6 March and the first Member States workshop tentatively planned for the beginning of April. The RSPG working group will be closely associated to both events.

**(3) Wireless broadband**

*Reporting on the progress of the working group on wireless broadband:*

**Mr Brice LeCannu** (Ofcom, UK) presented the progress of activity<sup>6</sup> on behalf of the Rapporteur for this activity, Mr Chris Woolford. As part of his report, Mr LeCannu highlighted the main issues as identified at the first meeting:

- Potential linkages between the work on wireless broadband and the work on the digital dividend as the digital dividend is one of a range of spectrum bands which are the most suitable for the provision of wireless broadband services.
- Spectrum use and availability (now and in the future), including any evidence of potential shortages and the establishment of an inventory of possible common bands.
- The role that wireless access can play in the context of infrastructure competition (considering all wired and wireless options).

*Discussion on work progress:*

**The RSPG** acknowledged the priorities set out by the working group and reconfirmed that the group should aim at a Position Paper rather than an Opinion at this stage where the result of the work should be more informative than prescriptive.

---

<sup>5</sup> Slides presented at the meeting are available with the meeting documents.

<sup>6</sup> Document RSPG09-260

**Mr. Langeheine** informed the Group that the Commission is preparing a Communication on high-speed broadband strategy which should be adopted in April or May. This Communication is about a strategy for broadband independently from transmission platforms, this includes wireless broadband amongst other types of networks. The relative urgency of this Communication is driven by the need to support the broadband component of the economic recovery plan. In that sense, the RSPG activity should complement the Commission's strategy by providing advice on the availability of suitable spectrum to address the various objectives (digital divide, mobile Internet, etc).

**The Chairman** commended the group for the good start of the work.

**(4) Coordination of EU spectrum interests (Preparation WRC-11)**

On behalf of the Rapporteur for this RSPG opinion, Mr. François Rancy, President of ANFR (France), who was not able to attend this meeting, **Mr Jean-Yves Montfort** (ANFR), gave an overview of the proposed plan for preparing an Opinion. He suggested that, in addition to working on the substance of EU priorities for the various agenda items of WRC-11, the group should also address measures to improve the efficiency of the preparation as well as the EU coordination during the future negotiations.

**The proposal was accepted by the RSPG.** The first meeting of the working group will take place on 16 February in Paris. Some **RSPG Members** underlined that there is also a link to current discussions in the context of the regulatory review with regards the role of the Commission in international spectrum matters. The **Commission representative** invited the RSPG to avoid duplicating discussions already conducted with the Council and Parliament, and to take a longer term view.

**(5) Joint RSPG/ERG activity on "new competition challenges resulting from a more flexible management of spectrum"**

*Report of activity*

**Mr. Marcus Boklund** (PTS, Sweden) is replacing Mr Jonas Wessel as Rapporteur for this activity. He reported that, contrary to initial plans, the first report on transitional issues could not be finalised for adoption at this RSPG meeting. This is due to the late submission of important comments and additional information by working group participants. These useful contributions require to be properly analysed and discussed within the group. This could not be done on time to agree on a final document by consensus in advance to RSPG#18. The delay of the first report should not have an impact on the overall schedule as it is planned to have the report ready for the next meeting. The group now starts also its activity on best practices to address potential competition distortions (spectrum hoarding, etc).

*Discussion:*

**The RSPG** acknowledged the new time table and stressed the importance of this first join activity with the European Regulators Group (ERG).

Some RSPG members also expressed individual views, including:

- The importance of avoiding to give the impression that the increased "competition" in the context of the spectrum reforms is "negative". It should be recognised that more competition brings significant benefits but includes some potential risks which need to be identified and properly addressed.
- The importance to concentrate on the strategic level regarding this topic, and avoid concluding hastily on detailed and complex aspects. RSPG work is authoritative and is therefore sometimes used in legal procedures, and even mentioned in Court cases at national level. Any lack of profound analysis may result in misleading interpretations not only by administrations but also by third parties.
- The need to further increase the focus of the report.

The Rapporteur agreed to take these comments into accounts when finalising the draft report with the working group.

## (6) **Best practices regarding the use of spectrum by some public sectors**

### *Presentation of the final draft Opinion in view of adoption*

**The Rapporteur** for this RSPG opinion, **Mr Stelios Himonas** (Ministry of Communications and Works, Cyprus), presented the latest progress report<sup>7</sup> and gave an overview of the final Opinion submitted for adoption. According to Mr Himonas, the draft Opinion had reached full consensus in the Group.

### *Adoption of the Opinion*

**The Danish delegation** requested to remove in the point 12 of the Opinion ("justification procedure") the need for each public sector body to restate its spectrum requirement every (for example) 3 years with the possibility of interim updates. Following a discussion of this point among RSPG, and with the agreement of the Danish delegation, it was deemed that the point can remain in the final text as long as it is understood as a recommendation/best practice which is only valid taking into account specific national situation. The **RSPG Opinion**<sup>8</sup> **could then be adopted** by consensus, without modification.

**Mr. Himonas** thanked the participants in the working group, including external representatives from industry and administrations, as well as the troika and the RSPG secretariat for their continuous support.

**The Group, the RSPG Chairman and the Commission commended the Rapporteur** for his efficient leadership and the high quality of the Opinion. The Commission representative, **Mr Langeheine**, indicated that this work will be very useful in future Commission activities and also potentially in the context of the RSPG activity on methods for more effective spectrum usage.

---

<sup>7</sup> Document RSPG09-266

<sup>8</sup> Final Opinion: document RSPG08-258

**(7) Assignment and pricing methods for more effective spectrum usage**

*Proposal by the Rapporteur:*

**The Rapporteur** for this work stream, **Mr. Marton Ilyes** (NHH, Hungary), presented his proposal for addressing the topic foreseen in the Work Programme "Methods for more effective spectrum usage" (costing, pricing, assignment). This included the scope and main focus elements of the future work<sup>9</sup>.

He suggested to achieve two main objectives:

- To identify general principles for the design of assignment procedures and pricing systems.
- To review the related practices in Member States, including on spectrum pricing and on administrative incentive fees (hence a link with the Opinion on Public Use of Spectrum).

Mr. Ilyes recognised the inherent national prerogatives in this field and the necessity to take due account of these national competencies. He further suggested that the result of the work should be a Report instead of an Opinion as mentioned in the initial work programme.

The first meeting of the working group is foreseen in the first week of March in Budapest.

*Agreement on the way forward*

**The RSPG agreed with the proposal**, including with the proposed delivery of an RSPG Report as the final outcome.

**(8) Report on Commission activities in radio spectrum policy**

*Report on Commission activities in radio spectrum policy*

The Commission provided an overview of the relevant activities in radio spectrum policy since RSPG#17 in the form of a written report<sup>10</sup>.

As part of his intervention, the **Commission representative, Mr Langeheine**, mentioned the possibility that, in the context of the **future regulatory framework**, the role of RSPG may be revisited, in particular as for the accountability to the European Parliament and the Council. The current plan for establishing of a multi-annual spectrum strategy programme at EU level would also imply a close involvement of the RSPG. He also informed the RSPG about the status of the selection process for the **Mobile Satellite Services (MSS)** in the 2 GHz band. The admissibility of the proposal of the four applicants has been confirmed. The first phase of assessment concerning evidence of the progress of preparation of commercial service and launch of satellites

---

<sup>9</sup> Document RSPG09-261

<sup>10</sup> Document RSPG09-262.

will be completed by the end of March. If there is recognised spectrum scarcity at the end of this phase, a selection will be performed, based on the criteria agreed with the European Parliament and Council. Finally, Mr. Langeheine mentioned the forthcoming **Commission Recommendation on NGA** (Next Generation Access) **networks**. The Recommendation will focus on the various approaches to access regulations to ensure sustainable competition and transparency in national decisions. The issue of risk sharing, raised by the European Parliament, will also be addressed in the Recommendation.

As part of this agenda point, **Mr Pearse O'Donohue**, Head of Unit for spectrum policy, updated the RSPG on the revised **proposal for an amended GSM Directive**<sup>11</sup>. The proposal had been adopted on 19 November 2008, and is now to be approved by the Council and the European Parliament. From a Commission's viewpoint, the main issue is to ensure the continuation of the GSM service while opening up the band as much as possible to other technologies without discrimination provided that compatibility with the GSM service can be demonstrated. This would include 3G technologies as well as, progressively, technologies such as LTE and its future evolutions. The Commission has no control on the time line for adoption but it is hoped that that this legislation could enter into force during the summer.

**(9) Other matters**

Following a proposal by the Chairman, the **RSPG approved the list of documents** eligible for **public access**.

**The Chairman** informed the RSPG of the launch of **RSPG debriefing sessions** which will take place after each RSPG plenary meeting in order to inform external constituencies and the press about key results of the meetings. These sessions will involve the Chairman and the Commission as well as individual Rapporteurs in the cases where Opinions or Position papers and Reports have just been adopted.

The next RSPG meeting (RSPG#19) is scheduled to take place in Brussels on **Wednesday 13 May 2009**.

\* \*  
\*

---

<sup>11</sup> Text of the proposal available at [http://ec.europa.eu/information\\_society/policy/radio\\_spectrum/docs/in\\_transit/gsm/gsm\\_proposal\\_en.pdf](http://ec.europa.eu/information_society/policy/radio_spectrum/docs/in_transit/gsm/gsm_proposal_en.pdf)