

**RSPG #23**  
**Brussels, November 17, 2010**

Chairman Report

**(1) Introduction to RSPG#23**

The Chairman of RSPG, **Mr Roberto Viola** (AGCOM, Italy) opened the meeting and noted the approval of the agenda<sup>1</sup>.

**(2) Follow-up to the RSPG Opinion on the Radio Spectrum Policy Programme: "Taking stock of the Commission's proposal"**

*Presentation of the RSPP proposal by the Commission and discussion*

**The Chairman** introduced the agenda item by inviting the Commission to present the proposal for a Decision of the European Parliament and the Council establishing the first Radio Spectrum Policy Programme (RSPP).

The **Commission representative, Mr Antti Peltomäki**, Deputy Director-General of DG Information Society and Media, thanked the RSPG for its Opinion which served as a basis for the Commission proposal. He informed the Group that the negotiations in the Council are well engaged and that the European Parliament has just appointed a Rapporteur, Mr. Gunnar Hökmark, (PPE). The discussions start on December 9, 2010. He emphasised the importance of an early adoption and welcomed the continued support of RSPG members.

For the Commission, **Mr Pearse O'Donohue**, head of the spectrum policy Unit (INFSO), presented to the Group the key elements of the Commission's proposal and explained how the RSPG Opinion has been taken into account in the preparation of the final proposal<sup>2</sup>. He also showed where and explained why the Commission's proposal goes in some areas beyond some of the initial recommendations of the RSPG Opinion. In explaining the need for a timely approval, Mr O'Donohue also linked several actions to the Digital Agenda as flagship initiative of the Europe 2020 Strategy.

**The Chairman**, on behalf of the Group, wished to thank Commissioner Kroes for having publicly underlined the important role that the RSGP Opinion has played in the preparation of the Commission's proposal, and opened the floor for comments by RSPG members.

*Discussion*

**RSPG members** thanked the Commission for sharing with the Group the detailed rationale behind the main elements of the RSPP proposal, and underlined that the Group will have a key role in implementing the RSPP once it is adopted by Council and Parliament. Several members emphasized the strategic value that the RSPP constitutes for the further development of Radio Spectrum Policy in the EU, and expressed their appreciation of the way that the RSPG opinion had been taken into

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1 Document RSPG10-342. This document, as well as all subsequently quoted RSGP documents, are available on the public RSPG website at [http://rspg.ec.europa.eu/ref\\_doc/index\\_en.htm](http://rspg.ec.europa.eu/ref_doc/index_en.htm)

2 Document RSPG10-345.

account. The discussion also showed that some implementation measures will create specific challenges in a number of Member States. In addition, a few members expressed the view that the format of the proposal as a Decision of Council and European Parliament raises questions about the division of competences, in particular where the policy proposals have been formulated more as implementing measures.

**The Commission** thanked the members for their constructive comments and stressed that the RSPP is the basis for a policy process that will require working together to achieve the goals. The specific questions raised by members were clarified.

**The Chairman** closed the agenda point and informed the Group that he and the chairman elect **Mr Mike Byrne** (ComReg, Ireland) will prepare a set of slides to present the RSPG Opinion on the RSPP whenever required to do so. This standard presentation will be circulated to the Group and updated as needed, as part of the delegation to the chairman to respond on possible short notice requests for advice from the Council or the Parliament. The presentation will be without prejudice to the positions of individual Member States and will take account of the additional comments expressed by RSPG members at the meeting (RSPG#23).

**The Group approved this strategy.**

### (3) **Outline of RSPG objectives for 2011 and preliminary work programme**

#### *Presentation and discussion of the draft RSPG Work Programme 2011*

**The vice-chairman, Mr Mike Byrne**, presented a proposal for the RSPG work programme 2011 (WP 2011) in line with the agreed strategic objectives of RSPG and taking account of the challenges of the RSPP. He reminded the Group of the importance of being able to control its own work programme and introduced the four proposed work areas as outlined below:

- The follow-up activities in relation to the RSPG Opinion on the RSPP,
- The implications of spectrum sharing and the joint RSPG/BEREC work programme
- The international coordination of spectrum
- The identification of possible subjects for review and development during 2012

#### *Discussion*

**RSPG members** considered that the proposal represents a very ambitious work programme that, while covering all important aspects, could potentially be "streamlined". A few members expressed concerns that some aspects of the work of the RSPG may be seen as pre-empting the debates of the formal decision process in Council and Parliament. Other members underlined the need for the Group to follow-up its work on the RSPP without delay in order to be able to provide the necessary advice for decision makers, and to follow-up immediately once an RSPP has been finally adopted.

**The Chairman** invited RSPG members to send comments to an amended draft version that will be produced as a result of the discussion of this meeting, and reminded that the

work programme 2011 will be submitted to public consultation in view of final adoption at the first plenary meeting in 2011 (February 10, 2011).

#### (4) Digital dividend

##### Presentation and adoption of draft Report on "Frequency Coordination and Other Issues Concerning the Digital Dividend"

**The Rapporteur, Mr Jim Connolly** (ComReg Ireland), presented the latest status of activities and the draft Report<sup>3</sup> being submitted for formal adoption. He thanked the working group for the work done and outlined the content of the report, the focus of which lies on the best practices in spectrum utilisation in order to achieve the broadband goals as expressed in the Digital Agenda for Europe flagship initiative. A particular focus was placed on improving the understanding of the issues arising from cross-border frequency coordination with non-EU countries, with the aim of increasing the prospects for the fullest possible use of the harmonised digital dividend spectrum in the 800 MHz band across Member States. The reports also emphasises the value of best practice sharing among member states and suggests a role for RSPG in providing coordination for the set up of a collective support mechanism, envisaged in the RSPG Opinion on RSPG, for providing expert advice for frequency coordination challenges and a role for the Commission in supporting the implementation of the digital dividend.

**The discussion among RSPG members showed a high degree of consensus** on the proposed report. One member questioned the relevance of limiting the coordination issues for the Digital Dividend to the 790-862 MHz boundary.

**The Report<sup>4</sup> was formally adopted, at unanimity.**

**The Chairman** commended the Rapporteur and the working group for this achievement.

##### Update on progress of cross-border coordination of the 800 MHz band in the WEDDIP Group

**The WEDIPP chairman, Mr. Aljo van Dijken** (Radiocommunications Agency, The Netherlands), introduced the members to activities of the Western European Digital Dividend Implementation Platform (WEDIPP). The WEDIPP is a multilateral discussion forum, created in May 2009, to coordinate the frequency coordination activities carried out by its member countries with a view to implementing the digital dividend. Its members are the Administrations of the following countries: Belgium, France, Germany, Ireland, Luxembourg, the Netherlands, Switzerland and the United Kingdom. Mr van Dijken informed the members of the recent positive outcome of the redistribution of frequencies below 790 MHz among the WEDIPP countries to free up

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<sup>3</sup> Document RSPG10-347

<sup>4</sup> Document RSPG10-347

the 800 MHz band. He also emphasised the added value of sub-regional cooperation through multilateral burden sharing and division of labour.

**The Chairman** thanked Mr van Dijken and invited him to keep the RSPG updated on the progress of the platform.

## (5) Cognitive technologies

### Discussion of the draft Opinion on Cognitive Technologies in view of Public Consultation

Following the adoption of the RSPG Report on Cognitive Technologies<sup>5</sup>, the RSPG proceeded with the development of a full-fledged RSPG Opinion on Cognitive Technologies. **The Rapporteur, Mr Fokko Bos** (Ministry of Economic Affairs, The Netherlands), presented to the Group the proposed draft Opinion<sup>6</sup>. In order to reflect the technological developments, the opinion focuses on a generic approach to implement cognitive technologies on the basis of three approaches, namely sensing, cognitive pilot channels and databases. While the RSPG Opinion considers that the current regulatory framework already enables the implementation of a significant amount of existing or planned cognitive technologies, the Opinion also recommends that further work be undertaken in a number of areas, for example a coordinated approach for accessing geo-location databases and the creation of a platform in which researchers and regulators could cooperate.

**The discussion among RSPG members** revealed broad support for the Opinion and the timeliness of the document in view of the technological development. A few members suggested that the debate should focus on innovative approaches and not on databases alone.

**The draft Opinion<sup>7</sup> was approved unanimously.**

**The Chairman** acknowledged RSPG's approval for putting the draft Opinion to public consultation and thanked the Rapporteur for this achievement.

**The Commission representative, Mr Antti Peltomäki**, appreciated the role of the RSPG in facilitating the introduction of cognitive technologies. He also stressed the relevance of the work in relation to the possible use of the "white spaces" in the UHF band, also including use by PMSE<sup>8</sup> applications or even by non-cognitive devices. The Commission is committed to looking at this issue of a common EU approach to "white spaces" as a follow-up to the digital dividend policy, and is likely to seek for further advice from the RSPG on how to proceed on this matter.

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<sup>5</sup> Document RSPG10-306

<sup>6</sup> Document RSPG10-348

<sup>7</sup> Document RSPG10-348

<sup>8</sup> Programme Making Special Events

**The Chairman** commented that the possible use of cognitive radio in the "white spaces" in the UHF Band has implications for other remits as well and that the topic could be re-discussed in relation to the 2011 work programme.

## (6) Future of radio broadcasting – Spectrum implications

### Discussion and approval of the draft Report on "The future of radio broadcasting in Europe: Identified needs, opportunities and possible ways forward"

The Rapporteur, **Mr Magnus Falk** (PTS, Sweden), presented the final draft Report<sup>9</sup>, with the intention to have the final adoption at the next RSPG meeting in February 2011 (RSPG#24). The Rapporteur wished to thank the RSPG members for the excellent contributions received during the work and emphasized that the results show a very fragmented situation regarding the deployment of digital radio technologies in Member States. He summarised the finding by stressing that clear guidance in respect to standards and to appropriate technologies would be a prerequisite for the success of digital radio. He also clearly stressed that the findings indicate that any sunset clause on analogue (FM) radio would not improve the situation at this stage. A pragmatic approach for Member States could be to enter a temporary moratorium regarding further deployment of new systems until the emerging "digital radio ecosystems" becomes clearer in the EU (the mix of terrestrial standards, the consumption of Internet radio over wireless channels, and possibly also satellite radio for cars). In any case, there would be a benefit to monitor usage and share best practices at EU level.

**The Chairman** thanked the Rapporteur for compiling a comprehensive Report including an extensive and factual description of national situations. He expressed the value, for this specific report, of a public consultation in order to further give stakeholders the possibility to verify the facts now depicted in a more comprehensive way, and to involve them in the definition of what could be the next step(s). This could also have a link with the establishing WP 2011.

**The RSPG approved the proposed report for public consultation unanimously.**

## (7) Coordination of EU spectrum interests (Preparation WRC-12)

### Approval of the draft RSPG Opinion on Common Policy Objectives for WRC-12 in view of Public Consultation

The Rapporteur for this work stream, **Mr Eric Fournier** (ANFR, France), presented the draft RSPG Opinion<sup>10</sup> in view of launching a public consultation. He informed the Group that the agenda for the World Radio Conference 2012 had been duly assessed area by area in order to identify those areas in which community policies would be affected. The result of the analysis shows that the CEPT preparations cover most of

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<sup>9</sup> Document RSPG10-349

<sup>10</sup> Document RSPG10-350

the relevant cases, but that there are three areas that should benefit of further cooperation at EU level, namely on international aspects of the implementation of the digital dividend, on the requirements for European satellite policies and on a future agenda item for WRC-16 related to the provision of broadband communication. The Opinion therefore addresses the relevant agenda items and provides detailed elements of common European policy objectives.

**One Member State** requested a change of wording in order to maximise technology flexibility with regards broadband platforms. The change was accepted, noting that this change would postpone the decision on whether to give priority to specific platforms.

**The Chairman** thanked the Rapporteur for the work done.

**The RSPG unanimously approved the draft Opinion<sup>11</sup> for public consultation.**

**(8) Joint RSPG/BEREC activities on competition aspects in spectrum assignment and usage**

*Status of activities and progress report on transitional issues in the mobile sector in Europe*

The Co-Rapporteur, **Mr Chris Woolford** (Ofcom, United Kingdom), presented the status of activities and progress report on transitional issues in the mobile sector in Europe. He reported that significant progress had been achieved, and invited Member States to comment on the draft reports before the next meeting of the working group (scheduled for November 29, 2010). In particular, Member States were asked by Mr Woolford to carefully check the accuracy of information concerning their country in the report, and to forward any final request for changes directly to the Co-Rapporteur. He expressed confidence that the reports could be finalised at the next working group meeting in order to allow final adoption by the Group in February 2011.

*Status of activities and progress report on infrastructure and spectrum sharing in mobile/wireless network*

On behalf of the other Co-Rapporteur, Mr Davide Gallino (AGCOM, Italy), **Mr Mauro Martino** (AGCOM, Italy) presented the status of the activities and progress report on infrastructure and spectrum sharing in mobile/wireless network. Mr Martino reported that the work was at an early stage of development, based on two rounds of questions answered by Member States still recently, and invited Member States to give comments on the draft report, check the accuracy of national data possibly before the next meeting of the working group (planned for November 29, 2010) and to actively participate at the discussions within the planned meetings.

**The Chairman** stressed the importance of the common work of RSPG and BEREC and invited members to comment on the draft reports.

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<sup>11</sup> Document RSPG10-350

**(9) Other policy matters***Programme outline for Joint RSPG-BEREC workshop on 18 November 2010*

**Mr Roberto Viola**, Chairman of the RSPG, invited the RSPG members to the forthcoming joint RSPG-BEREC workshop and provided background information on the context, objective and substance of the meeting that will take place on November 18, 2010. Mr Viola further clarified that the Opinion of RSPG was issued in June and is established and this workshop was exclusively meant to discuss internally the preparation of the required implementation steps ahead of the adoption of the future RSPP. The workshop should in no way pre-empt the political debates taking place in the European Parliament and Council as part of the formal legislative process. Mr Viola thanked in advance the Commission for hosting the event, the INFSO Director General Robert Madelin for accepting to deliver a speech, and those who accepted to actively present their views in the workshop, wishing all a fruitful participation.

*Report on Commission activities in radio spectrum policy*

This information was made available to the RSPG in the form of a written report<sup>12</sup>.

**(10) Administrative/organisational matters**

On behalf of Dr Rüdiger Hahn, **Mrs Anne Kemler**, Bundesministerium für Wirtschaft und Technologie (BMWI), informed the Group that an activity has been started to study the Rules of Procedure, as foreseen at the last Plenary in June, and invited members to participate in the study group.

Following a proposal by the Chairman, the **RSPG approved the list of documents** eligible for **public access**. The Chairman also referred to the list of RSPG meeting dates for 2011<sup>13</sup>.

**The Chairman** informed the RSPG on the key messages that he was intending to convey at **stakeholders briefing session** following the plenary meeting.

The **next RSPG meeting** (RSPG#24) is scheduled to take place in Brussels on Thursday **February 10, 2011**.

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<sup>12</sup> Document RSPG10-353

<sup>13</sup> Document RSPG10-340