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RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of RSPG#24, 10 February 2011

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Chairman Report

(1) Introduction to RSPG#24

The new Chairman of RSPG for 2011, **Mr Mike Byrne** (Commissioner, ComReg, Ireland) opened the meeting and presented himself to the Group. He also thanked the outgoing Chairman, **Mr Roberto Viola** (AGCOM, Italy), for his successful year at the helm of the Group. Mr Byrne underlined more particularly the contribution of Mr Viola to the development of the landmark Opinion on the Radio Spectrum Policy Programme as well as his key role in ensuring efficient external communication. Mr Viola will now become vice chairman of RSPG for one year.

Mr Byrne concluded this point by noting the approval of the agenda¹.

(2) Adoption of the RSPG work programme 2011

Outcome of the public consultation on the draft RSPG work programme 2011

The draft RSPG work programme 2010 was submitted to public consultation from 13 December 2010 until 21 January 2011. Responses can be found on the RSPG web site at: http://rspg.ec.europa.eu/consultations/index_en.htm.

The Chairman informed the Group that the vast majority of the comments received from the respondents supported the draft work programme. As a result he added that, in his opinion, there is no need for major amendments of the proposed draft programme and that most of the suggestions received in the context of the consultation could be addressed when implementing the work programme. He further suggested that the various working groups could be requested to take due consideration of these contributions when starting work. This proposal was subsequently supported unanimously by the plenary. The Chairman then gave the floor to **Mr Jim Connolly** (ComReg, Ireland) to report on individual contributions and outline the few proposed amendments in view to complete the draft text of the work programme (both the summary of the responses and the amendments which were considered are available in document RSPG11-363).

¹ Document RSPG11-357. This document, as well as all subsequently quoted RSGP documents, is available on the public RSPG website at http://rspg.ec.europa.eu/ref_doc/index_en.htm

Discussion and approval of the work programme

The RSPG confirmed its unanimous support for the five core activities in 2011; all of them related directly or in the wider sense to the objectives of the Digital Agenda for Europe, in particular the RSPP.

The following issues were discussed in more detail:

- *Suggestion to submit not only all draft Opinions but also draft Reports to public consultation:* several RSPG members considered that, contrary to "Opinions", which include specific advice or recommendations to the Commission and have a particular regulatory impact, "Reports" are mostly fact-finding activities and should include consultation of stakeholders as part of the document development. There should therefore be a pragmatic approach to determine the cases where formal consultations would be required or not. This approach was finally agreed and reflected in the work programme.
- *Scope of the work on broadband coverage:* a few members referred to the need to include fixed infrastructures in the scope of work as the wireless broadband platform can not be studied in isolation from other means to provide access to broadband services. This request was supported by the Group.
- *The joint RSPG-BEREC activities:* there was unanimous support regarding the core objective to share experiences and views on how to determine the social and economic value of spectrum in activities such as fixing reserve prices in auctions, re-farming between spectrum holders, or compensation for relocation of existing users. Several RSPG members also stressed the importance of further aligning the objectives pursued by RSPG and BEREC as the current respective work programmes seem to show differences. The RSPG chairman indicated that he had already discussed this issue with the BEREC chairman, who is also keen on clearly identifying the common priorities.
- *Further topics for consideration:* there was an agreement to discuss further at the plenary meeting in June how to address these topics, taking into account the current workload of RSPG.

The Chairman concluded by the formal adoption of the work programme at unanimity.

He also informed the Group that 4 Rapporteurs were already foreseen as heading working groups but two additional Rapporteurs have yet to be identified. A final note of appointment of Rapporteurs will be communicated by email to the RSPG once all Rapporteurs have been identified. The Chairman invited in particular Administrations which have not yet been chairing RSPG working groups to consider the possibility to contribute to this essential function.

The Commission representative, Mr Ruprecht Niepold, on behalf of the deputy director general of DG Information Society and Media (DG INFSO), welcomed the adoption of the 2011 work programme. He underlined that with it, the RSPG has set important priorities for continuing its work to support the Digital Agenda.

(3) Cognitive technologies

Presentation of the outcome of the public consultation

Following the public consultation on the draft RSPG Opinion on cognitive technologies² which took place from 23 November 2010 until 15 January 2011, **the Rapporteur, Mr Fokko Bos** (Ministry of Economic Affairs, The Netherlands), presented to the Group the contributions received during the consultation and the subsequent modifications of the draft Opinion. He welcomed that a broad group of interested parties had used the opportunity to contribute and highlighted that a new section has been added to the text in which the comments are summarised. In order to reflect the contributions received, some changes have also been made to the draft Opinion, in particular one paragraph has been added to the explanatory text in regard to the need to also consider the cross-border coordination aspects in cognitive radio databases.

The discussion among RSPG members revealed broad support for the Opinion. A few members suggested some further clarifications. **One Member State** suggested that a change made in regard to the harmonisation of cognitive pilot channels should be reversed.

The Rapporteur agreed to the suggestions made by RSPG members and presented the final Opinion for adoption.

Adoption of the RSPG Opinion on Cognitive Technologies

The Opinion³ was adopted unanimously.

The Chairman welcomed the adoption of the Opinion and congratulated the Rapporteur for this achievement and in particular seeing through this important work that was first launched with the RSPG Report on Cognitive Technologies⁴,

The **Commission representative** thanked the RSPG for its work on the topic and stressed its importance as these technological developments potentially will have a broad impact on the way spectrum is managed. He acknowledged the need for more cooperation between interested parties and noted that it will be necessary to agree on common regulatory standards in order to allow for economies of scale to be created.

The Chairman commented that this important topic would continue to be looked at in relation to the 2011 work programme as a key area of focus in regard to the use of cognitive radio and use of white spaces.

² Document RSPG10-348

³ Document RSPG10-348 rev

⁴ Document RSPG10-306

(4) **Coordination of EU spectrum interests (Preparation World Radio Conference-2012)**

Presentation of the outcome of the public consultation

Following the public consultation on the draft RSPG Opinion⁵ on Coordination of EU spectrum interests (Preparation WRC-12) which took place from 23 November 2010 until 15 January 2011, the Rapporteur, **Mr Eric Fournier (ANFR, France)**, informed the RSPG about the contributions received and presented some modifications made in response. He stressed that the draft Opinion was generally supported by all the interested parties, but that there are divergent views on the necessity for a future agenda item for WRC-16 related to the spectrum requirements for mobile broadband.

One Member State proposed adding one element as a suggested common policy objective in regard to the ITU procedures for governing the frequency assignments for space services. The amendment was accepted by the Group.

Following the approval, **the Rapporteur** presented the final Opinion for adoption.

Adoption of the RSPG Opinion on Common Policy Objectives for WRC-12

The Opinion⁶ was adopted unanimously.

The Chairman welcomed the adoption of the Opinion as timely contribution for the preparation of the World Radio Conference 2012 and congratulated the Rapporteur for this achievement. He emphasised that the RSPG stands ready to provide additional advice, should this be required in the run-up to the conference.

The **Commission representative** thanked the RSPG for its advice and stressed the importance of the Opinion as input for the Commission Communication on the European Union's policy priorities for WRC12.

(5) **Future of radio broadcasting – Spectrum implications**

Presentation of the outcome of the public consultation and proposed way forward

Following the public consultation on the draft Report⁷ on "The future of radio broadcasting in Europe: Identified needs, opportunities and possible ways forward" which took place from 23 November 2010 until 21 January 2011, **Mr Jonas Wessel (PTS, Sweden)**, representing the Rapporteur Mr Magnus Falk, informed the RSPG on the result of the analysis of the contributions received during the consultation⁸. He proposed to adopt the draft Report without modification as the public consultation did

⁵ Document RSPG10-350

⁶ Document RSPG10-350 rev

⁷ Document RSPG10-349

⁸ Document RSPG11-364

not reveal any inaccuracy or fundamentally new elements but rather confirmed the views and issues identified.

Mr Wessel further expressed the opinion, as reflected in the Report, that most of the key issues are not primarily spectrum-related, and therefore encouraged the Commission services to adopt a cross-department reflection on possible actions to address the current slow take-up of digital radio.

On the basis of the comments received, Mr Wessel presented two areas where additional work could be warranted with regard to spectrum. The first area concerns spectrum requirements to allow for a non-multiplex based approach to digital radio (so-called narrow band radio broadcasting) such as DRM+. This could address the particular need of smaller local radio stations which do not have access to FM and/or would welcome a migration to a "light" digital radio infrastructure. The second area relates to the discussion between spectrum administrations on digital radio in a broader sense including the economic aspects, impact of Internet radio, reception in cars, etc.

Approval of the RSPG Report on "The future of radio broadcasting in Europe: Identified needs, opportunities and possible ways forward"

The RSPG adopted the Report⁹ and commended Mr Wessel, the Rapporteur **Mr Magnus Falk**, and the working group for what was described as a "landmark work" on the subject. Several RSPG members echoed the suggestion that the Commission and the European Parliament should look at the wider issues surrounding the development of digital radio in the EU. A few Member States also expressed a direct interest in an immediate continuation of the work in the RSPG.

The Commission representative underlined that the Report in itself has a great value as it gives an accurate picture of the current situation in Member States and of the various issues. He further stressed that there is a risk of deadlock in the market, and that there would be an advantage to identify the factors where public administrations have control, or at least an influence, to try to create an appropriate enabling environment.

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 give stakeholders the possibility to further 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 RSPG work programme in 2011/12.

In the light of the current high work load, **the Chairman** proposed to postpone the decision on the way forward to the next RSPG plenary meeting in June. In the meantime, the Chairman concluded that the RSPG encourages the Commission to discuss the Report internally with all relevant services and possibly to consider the organisation of a workshop with stakeholders and interested national administrations to launch an EU-wide debate.

(6) Single European Sky – Policy update

⁹ Document RSPG10-349

Slide Presentation on the preparation of an Implementing Rule on Network Functions

A representative of **Directorate-General for Mobility and Transport, European Commission (DG MOVE)**, **Mr Torsten Jacob**, informed the members about latest developments regarding the Single European Sky initiative (SES II, SESAR, etc.) with focus on the objectives of this policy, the Single Sky Committee, the draft Implementing Rules on Network Functions (IR NF) including the Radio Frequency Function. The presentation is available on the RSPG web site at: http://rspg.ec.europa.eu/ref_doc/index_en.htm.

In the question and answer session, **RSPG members** used the opportunity to clarify the radio spectrum implication of the establishment of cross-border Functional Airspace Blocks and the use of satellite navigation capabilities for traffic optimisation.

The Chairman closed the agenda item by thanking the representative from DG MOVE for his presentation.

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

Adoption of the RSPG-BEREC Report on transitional issues in the mobile sector in Europe

The Co-Rapporteur, **Mr Chris Woolford** (Ofcom, United Kingdom), presented the draft final RSPG-BEREC report on competition transitional issues in the mobile sector in Europe. Mr Woolford proposed to adopt the report but to allow Member States to submit final updates to country situations as this is a topic in fast evolution in the running up to auctions and other spectrum award procedures.

The Report was unanimously welcomed by the RSPG. Several RSPG members expressed gratitude for the elaboration of this document as it provides useful input in the preparation of national spectrum awards and the associated re-farming initiatives. The clarity of the document was also praised by members. The document¹⁰ will be published once it will have also been adopted by BEREC, normally in about two weeks.

The Commission representative proposed that the Report be updated regularly as to continue to represent a state-of-the-art sharing of knowledge on practical issues regarding transitional competition issues. From a wider perspective, he also suggested that the RSPG should keep potential competition issues under scrutiny, such as the impact of using the GSM infrastructure for voice traffic side-by-side with an LTE network for high-speed data traffic. He also pointed to the potential impacts arising from the need to rearrange spectrum channelling plans to create greater channels widths in order to fully exploit the capacity advantages of new radio access technologies.

Report on Infrastructure and spectrum sharing in mobile/wireless network.

¹⁰ Document RSPG10-351 rev

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 networks. Mr Martino reported that the work experienced a delay due to an extension of its scope and because the group worked on two reports in parallel. The draft Report should be finalised by May in order to allow adoption by BEREC prior to adoption by RSPG at its next plenary meeting on 16 June 2011. The next working group meeting is tentatively scheduled in early March.

The Chairman and the **Commission** stressed the importance of this work and the need to finalise the Report as quickly as possible.

(8) Other policy matters

Discussion on RSPG Rules of Procedure

The Rapporteur for this activity, **Mrs Christiane Seifert** (BNetzA, Germany) gave an overview of the progress achieved in the working group examining possibilities to improve the Rules of Procedure. She indicated that the proposals identified should now be reviewed by the Commission services before further discussions in the Group.

The **Chairman** thanked Mrs Seifert and welcomed the work performed until now. He stressed the fact that the RSPG has adopted Rules of Procedures last year and that any modifications would have to be not only approved by the Commission as per the legislation in place but also justified regarding the actual improvements it would bring to the effectiveness of the functioning of the RSPG.

The Commission, Mr Pearse O'Donohue, head of the spectrum policy unit, supported the suggested approach and in particular the need to make a comparison between the proposed revisions of the rules and the current functioning of the RSPG to assess the advantage of amendments.

The matter will be discussed again at the next meeting.

Report on Commission activities in radio spectrum policy

This information was made available to the RSPG in the form of a written report¹¹. **The Commission, Mr Pearse O'Donohue**, further detailed a few points. He also informed the Group that the next RSPG meeting on 16 June will take place in the context of a large event, the Digital Assembly (16-17 June). Therefore, and in agreement with the Chairman, the next RSPG meeting will concentrate on wireless broadband issues and it is proposed that, in addition to the regular meeting, the Commission may organise a workshop on spectrum issue which would be also open to external participants.

¹¹ Document RSPG11-361

(9) Administrative/organisational matters

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

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#25) is scheduled to take place in Brussels on Thursday **16 June 2011**.

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