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RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of RSPG#25, 16 June 2011

RSPG #25
Brussels, 16 June 2011

Chairman Report

(1) Introduction to RSPG#25 and planning of the next chairmanship

The Chairman of RSPG, **Mr Mike Byrne** (Commissioner, ComReg, Ireland), opened the meeting and noted the approval of the agenda¹. The Chairman reminded the delegates that the meeting was scheduled to end at 1pm to offer them the opportunity to join the plenary session of the Digital Agenda Assembly in the afternoon.

The meeting then considered a proposal of the Chairman to allow for the election of the next Chairperson and Vice Chairperson to take place at the RSPG plenary session on 16 November 2011. The proposed election in November is only possible from a procedural viewpoint if the RSPG approves a small deviation from the standard rules of procedure, which currently specify that the election should take place at least three months before the end of term of the outgoing chairperson (i.e. in this case before 30 September 2011 since the mandate of Mr Byrne ends on 31 December 2011). The Group agreed with the proposed deviation from to the rules of procedure, on an exceptional basis.

During the ensuing discussion, an **RSPG member** made the suggestion that the current chairman, Mr Byrne, could consider extending his mandate by one year until the end in December 2012 in order to ensure continuity during the critical process of adoption of the Radio Spectrum Policy Programme. The extension would also abide by the spirit of the standard two-year chairmanship terms introduced in the new rules of procedure adopted in June 2010. **Many delegates** supported this suggestion and invited the Chairman to accept it. **The Chairman** thanked the Members for their trust in proposing an extension of his mandate as well as Mr Viola's term as vice chairman, and accepted in principle to stay as Chairman of RSPG for an extended period up to the end of November 2012. Mr Byrne's acceptance is subject to the official agreement of the Irish authorities. In his response, Mr Byrne also insisted that the proposed solution should clearly be without prejudice to the **right of delegations to propose other candidates** if they wish so. Consequently, the call for candidacies will remain open until 15 July 2011.

(2) Adoption of the joint RSPG-BEREC Report on Infrastructure and spectrum sharing in mobile/wireless network.

Mr Mauro Martino (Agcom, Italy), on behalf of the Rapporteur for this activity on the side of the RSPG, Mr Davide Gallino (Agcom, Italy), presented the joint Report², which had already been provisionally endorsed by the RSPG at its previous plenary meeting on 10 February 2011. The joint Report was formally adopted, following the earlier adoption by BEREC at its recent meeting in Porto on 26-27 May 2011. The Annex to the Report was updated to reflect the latest national situation in two Member

¹ Document RSPG11-368. 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

² Document RSPG11-374

States (Austria and Denmark). The modifications do not affect the substance of the main part of the Report.

(3) Status of ongoing activities and discussion on progress

3.1. Preparation of the Opinion on the review of spectrum use (planned public consultation: from November 2011, planned adoption February 2012)

The Rapporteur, Mr Jim Connolly (ComReg, Ireland), reported that progress is satisfactory. The working group has already agreed on the scope and main elements of the future opinion. The **Commission representative, Mr Antti Peltomäki**, Deputy Director-General of DG Information Society and Media, informed the RSPG that the planned Commission study on the inventory and review of spectrum is about to be launched. The work of the RSPG will be a major input to the study. From a practical viewpoint, the Commission will establish a direct liaison between the study team and the RSPG working group commencing in the September/October time frame, if possible, in order to exchange views, in particular on the methodology and on aspects where further work could be beneficial.

3.2. RSPG Report on collective use of spectrum (planned adoption November 2011)

The Rapporteur, Mrs Nadia Katsanou (Directorate General for Communications at the Ministry of Infrastructure, Transport and Networks, Greece), presented the state of activities and highlighted that the group had adopted a broader scope taking into account also sharing opportunities arising from cognitive technologies. In this regard the Rapporteur sought guidance from the RSPG in particular as to whether the report should be limited to applying the collective use approach in higher frequency bands and whether the usage of white space spectrum should only be consider under 'collective use' approach.

The **Chairman** welcomed the progress report and supported the suggestion to broaden the scope of this report in order to take into account other innovative approaches to spectrum sharing. The **RSPG** agreed to widen the scope of the report to review innovative **spectrum sharing approaches outside of the classical "Collective Use" category**, such as for example "dynamic spectrum sharing" or "authorised shared use", etc. The Group also **endorsed further reflection in regard to the use of white space** but expressed a preference for a generic approach not focussed solely on UHF TV white spaces.

The **Commission Representative** drew the attention of the Group to the fact that the Commission services are still looking for specific advice on how to deal with the current issue of TV white spaces in the UHF band. Member States are about to introduce national regulations to allow the use of UHF white spaces and this represents a risk of fragmentation in Europe. The Commission would appreciate to have the view of the RSPG on this specific matter, as well as a possible recommendation on any urgent action that could be taken in the light of the announced individual national initiatives.

The **RSPG** agreed to task the working group with the development of a report on **"Collective use and shared spectrum access"** to review innovative sharing arrangements, identify higher frequency bands to which the CUS approach could

potentially be applied, analyse sharing techniques to facilitate exploitation of white space spectrum and the requirements for further work by the RSPG on shared access to spectrum. Taking into account the extended scope of work, it was agreed to postpone the final adoption of the report to 16 November 2011. **The Chairman** congratulated Mrs Katsanou and the working group for the work achieved.

3.3. Preparation of the Opinion on improving broadband coverage
(planned adoption February 2012)

On behalf of the Rapporteur, Mr Chris Woolford (Ofcom, UK), **Mr John Canavan (Ofcom, UK)**, reported on the progress of activity. Mr Canavan was pleased to announce that the detailed scope and structure of the opinion could already be agreed at the first meeting of the working group. He explained that the structure of the planned Opinion will follow four main themes:

- (1) Information sharing on the reasons why coverage obligations are introduced by Member States and analysis on what forms those obligations take, or could take in the future. The work will also focus on the definition and implications of respectively the "geographic" and "quality" divide;
- (2) Summary of experience by each Member State to promote greater broadband coverage;
- (3) Assessment of those experiences as to how effective the various methods used were and what were the identified potentials and limitations; and
- (4) The actual Opinion: Assessment of technical merits, competition implications and impact on commercial viability based, in part, on those experiences and recommendations to the Commission.

Two additional meetings have already been scheduled in order to finalise the draft Opinion by the next plenary meeting. The draft Opinion, once approved by the RSPG, should undergo public consultation after the plenary meeting on 16 November 2011.

The Vice Chairman of the RSPG, Mr Roberto Viola (Agcom, Italy) stressed the importance of this activity as it addresses the core topic of the Digital Agenda for Europe, i.e. to **ensure access to broadband by all citizens**.

The Group acknowledged the positive report and thanked the Rapporteur and working group.

3.4. Preparation of the joint RSPG-BEREC Report on Economic & social value of spectrum
(planned adoption: RSPG in November 2011 and BEREC in December 2011)

The Rapporteur, Mr Thomas Heutmann (BnetzA, Germany), reported on this activity. A key achievement to date is the development of a questionnaire to all national administrations in view to collect extensive information on methodologies and valuation information regarding recent award procedures in a number of frequency bands. The **deadline** to return the responses to the questionnaire is set to **mid July 2011**. The working group will discuss the results of the questionnaire at its next meeting in Brussels on 7 September 2011. The timing of delivery of the Report is unchanged (RSPG#26 on 16 November 2011).

The Group warmly welcomed the concrete progress achieved with the questionnaire and encouraged national administrations to provide quality information in response to the questionnaire. Besides the positive progress, **the Chairman** as well as the **Commission Representative** and **several RSPG members** expressed concerns that the social value of spectrum does not seem to be taken into account in the analysis in as much detail as the economic valuation. They reminded the working group that the social impact of spectrum use is being given increasing attention by policy makers and by parliamentarians in particular. More specifically, the working group was invited to identify methodologies and approaches already applied by Member States to assess social impact and value in the context of overall allocation and award processes. This requirement to further explore methodologies to assess social value will also imply that the working group will have to extend its investigations to other frequency bands in addition to the potential WAPECS bands. The request from RSPG was acknowledged, and fully agreed, by the Rapporteur Mr Heutmann.

3.5. Preparation of the Opinion on the process for EU assistance in bilateral negotiations with third countries and between EU countries
(planned public consultation: from November 2011, planned adoption February 2012)

The Rapporteur, Mr Eric Fournier (ANFR, France), gave a brief report of activity including both the aspects related to the preparation of the world Radio Conference and the issue of cross border spectrum coordination (both international and intra-EU). The result of the work was welcomed by the RSPG. Noting the good work accomplished, **the Commission Representative**, followed by **several Members**, however expressed concern to the suggestion that the RSPG could have an external role in addressing possible disputes concerning spectrum negotiations between Member States. **Mr Peltomakki** reminded that the RSPG was legally established as an advisory body to the Commission, albeit with an enhanced role since the new regulatory framework in advising the European Parliament and Council upon request. Therefore, the advisory nature of the RSPG would not allow it to establish an own independent dispute resolution system. However, **the Commission** further explained that it sees a great benefit in ensuring that the RSPG can give a recommendation to the Commission on specific cases of spectrum coordination in view of facilitating possible dispute resolution.

The Group also discussed the issue of spectrum coordination with Russia. Following the meeting on the subject between Vice President Kroes and Russian Minister of Communications and Media, Mr Schegolev, in March 2011, **the Commission Representative** gave an update of current plans for discussion with Russia. Mr Peltomakki informed the Group that there will be an EU-Russia Information Society dialogue meeting in Moscow on 29 June 2011 where the planning of an experts meeting will be discussed. This experts meeting, to which concerned Member States will be associated, should take place during the second half of 2011, and should address among other aspects the issue of the future use of the 800 MHz band.

It was agreed that the adoption of the Opinion can be postponed to February 2012 to give time for public consultation following the RSPG meeting in November 2011 where the draft Opinion should be approved. **The Group** thanked Mr Fournier and the working group for the work performed.

3.6. Improvements of the RSPG Rules of Procedure

The Rapporteur for this activity, **Mrs Christiane Seifert (BnetZA, Germany)**, provided a brief overview of the status of this matter. The RSPG accepted the

outcome of the work and praised Mr Seifert for the thoroughness and comprehensiveness of the proposals. The next step is now for the working group to examine the Commission's comments on the proposals. These comments have only been communicated recently and the working group needs some time to prepare a final compromise proposal to the Commission. On the basis of the final proposal from the working group, the Commission services will produce a final proposal for amendment of the Rule of Procedure, formally cleared with appropriate central services, in view of adoption at the plenary RSPG meeting on 16 November 2011.

The Vice Chairman of the RSPG, Mr Viola, while stressing the value of the proposed improvements, drew the attention of the RSPG to a possible further need to review the rules once the RSPP will be adopted, to reflect a possible enhanced function of the RSPG in the context of the implementation of the RSPP.

(4) Mid term review of the RSPG Work Programme 2011

The Chairman, Mr Byrne, opened this point by expressing gratitude to all working groups to be advancing according to plan on all ongoing activities.

The agenda point was to review the possible need to initiate new activities and to take stock of the three work programme items which were earmarked for review at the beginning of the year, namely spectrum for energy management, interference management and spectrum for digital radio.

Overall, the decision of the RSPG was not to launch any new activity at the moment due to the high ongoing work load. However, the Group welcomed an early discussion leading to the preparation of the work programme 2012. The possibility to conduct investigative work on new approaches towards interference management was clearly supported by many Member States. A few Member States stressed the fact that such forward-looking work on interference management should not create any confusion with the current legal basis applying for interference responsibilities, as applicable in Member States. There was some support to also consider spectrum for energy management and smart metering as part of future activities. **Mr O'Donohue, head of unit for EU spectrum policy**, made a link between these tentative work items and the discussions to take place at the spectrum workshop in the context of the Digital Agenda Assembly on 17 June 2011. **The Chairman** also referred to the following agenda item on digital radio before taking a position on this particular topic.

(5) Address to RSPG by the European Digital Radio Forum (EDRF)

The European Digital Radio Forum represents the joint interests of the DRM Consortium, World DMB, IMD Alliance and Radio DNS. On behalf of the Forum, Mr Vermaele, EBU technical director, responded to the findings of the recent RSPG report on the future of broadcasting³ and made some suggestions on how EU policy may accelerate the wide-scale take-up of digital radio in Europe⁴. The RSPG noted the

³ Document RSPG10-349

⁴ The slides of the presentation are available on the public RSPG web site (meeting documents)

presentation and thanked Mr Vermaele. In the ensuing discussion, the RSPG confirmed the main conclusion of the Report on the future of broadcasting according to which there does not seem to be critical spectrum issues that act as a barrier to the take up of digital radio.

(6) Report on Commission activities in radio spectrum policy

The Commission reported briefly on the latest developments. This information was also made available to the RSPG in the form of a written report⁵.

(7) Administrative/organisational matters

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

The **next RSPG meeting** (RSPG#26) is scheduled to take place in Brussels on Wednesday **16 November 2011**.

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⁵ Document RSPG11-371