



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

Brussels, 14 April 2010
DG INFSO/B4/RSPG Secretariat

RSPG10-324

PUBLIC DOCUMENT

RADIO SPECTRUM POLICY GROUP

Subject: Chairman's Report of the extraordinary plenary RSPG meeting, held on 23 March 2010, dedicated to the preparation of the Opinion on the Radio Spectrum Policy Programme

**Extraordinary plenary meeting of RSPG
dedicated to the preparation of the Opinion on the Radio Spectrum Policy Programme
Brussels, 23 March 2010**

Report from the Chairman

On 23 March 2010, the RSPG held an extraordinary plenary meeting dedicated to the preparation of the planned Opinion on the Radio Spectrum Policy Programme (RSPP). This meeting took place immediately after the end of the Spectrum Summit held at the European Parliament in order to take due account of the outcome of the event.

The agenda of the RSPG was dedicated to the finalisation of a draft version of the Opinion with a view to submitting it for public consultation during the full month of April. Final adoption should occur in May 2010.

The Chairman of RSPG, **Mr Roberto Viola (Agcom. Italy)**, opened the meeting by outlining the key elements of the proposed Opinion in its current draft form, which had just been presented in the Summit. He thanked the Rapporteur and all participants to the working group for the good results achieved in a very tight deadline. This introduction was followed by a more detailed presentation by the Rapporteur, **Mr Laszlo Toth**, from the Hungarian National Communications Authority. The Commission representative, **Mr Antti Peltomakki**, director general INFISO, commended the group for the work already performed and indicated that the substance is broadly in line with the Commission's current thinking.

The main discussions revolved around two main issues:

(1) The relevance, and feasibility, of a **common end date for the full opening of the 800 MHz sub-band** (790-862 MHz) for broadband communications in the EU: there was a high degree of convergence of view between Member States on the principle of a common end date, and the possible date suggested by the working group was confirmed. However, some difficulties were encountered in reaching a common view on how to address specific circumstances in some Member States that could possibly prevent a timely implementation of a mandatory opening up of the band, such as objective cross-border coordination issues and internal problems. The group agreed on specific re-wording of the text to take account of these potential difficulties by accepting the possibility that a postponement could be necessary in some specific and justified cases. In particular the Latvian and Lithuanian representatives stressed their particular concern regarding the possible achievement of such a challenging reforming by the set date due to the problem of coordination with bordering non-EU countries and asked to include the provision for the postponement in the main text body. The other delegations preferred to put this provision in a footnote. In fact it was felt appropriate that the exceptional circumstances which may affect a small number of Member States are recognised and that positive actions on how to solve them are indicated but that, in this respect, nothing that is included in the final opinion could, in its own right, counter-act or amend any agreed formal procedures in either the Council of Ministers or RSC (for example) regarding procedures for derogations based on exceptional circumstances as applicable. The Maltese delegation also stressed the point that the exceptional and justified internal circumstances that may deserve a possible postponement are also those beyond their control deriving from actions of neighboring countries. The Group finally agreed on the final text.(2)

The adoption of a **common EU position on specific topics** where EU interests are at stake **to facilitate international spectrum coordination**: the possible scope and modalities of such EU cooperation was debated in some detail. Member States largely supported the fact that this could be a useful approach in specific cases for both bilateral negotiations with non-EU countries as well as in ITU negotiations. Some delegates stressed that one should ensure that there will be no duplication with the preparatory work already conducted by the CEPT in the context of ITU conferences. Others pointed out that the process of assistance to Member States in bilateral negotiations should become a firm policy objective. A text for the draft RSPG Opinion was then agreed.

The Cyprus delegation proposed that the modalities upon which the Commission should base their decisions regarding the possibility to release more spectrum should be more clearly specified, in particular how to carry out an analysis of market and technology trends, and that the objective set out in the last part of the document regarding the process of assisting MS in negotiations with third countries should have been more detailed. The Group referred the discussion on these two issues, together with the other issues raised in the discussion, to the working group during the follow on work related to the next public consultation.

The RSPG finally approved the draft Opinion for public consultation, subject to the agreed modifications to the draft text to be performed by the Rapporteur in the following days. It was also agreed that the revised draft text would be e-mailed to the Group shortly before publication to allow for a very quick final validation of the revisions.

Mr. Viola thanked all Members for their considerable effort in reaching this agreement. He stressed the point that the Opinion, still draft, has the intention of being a stimulus to develop a virtuous process in Europe rather than being a constraint to Member States, and that, regarding the specific point of inviting to consider a final date for the complete availability in EU of the digital dividend for systems other than broadcasting, it is evident that no Member State can be criticised on the ground of derogations needed for circumstances beyond their control, and that the text reflects this understanding. Furthermore he highlighted the recommendation in part 3 of the draft Opinion on the importance of EU institutions to provide assistance to Member States in their external negotiations on spectrum coordination and the need to make this issue part of the EU external policy objectives. The Chairman recalled that he had already conveyed this message to EU Parliament Members on the occasion of the aforementioned Spectrum Summit and that this issue should be high on the agenda in the next discussions with European institutions, stakeholders and press.

The public consultation will be launched on 31 March at the latest and will last for one month. It will be accessible at the following web address:
http://rspg.groups.eu.int/consultations/consultation_rspp2010/rspg10_323.pdf

* *
*