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Information Society and Media Directorate-General  
Electronic Communications Policy  
**Radio Spectrum Policy**

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DG INFSO/B4/DK

**PUBLIC DOCUMENT**

## **RADIO SPECTRUM POLICY GROUP**

**Subject: Chairman's report of the RSPG#26 meeting held on 16 November 2011**

**RSPG #26**  
**Brussels, 16 November 2011**  
Chairman's Report

**(1) Introduction to RSPG#26 and election of a Chairperson and Deputy Chairperson for the 2012-13 term of office**

The **Chairman of RSPG, Mr Mike Byrne** (Commissioner, ComReg, Ireland), opened the meeting and noted the approval of the agenda<sup>1</sup>.

The **Chairman** recalled the call for candidacies regarding the forthcoming election of the next RSPG Chairperson and Deputy Chairperson for the period 2012-2013 and informed the group that he had received two nominations, one for each post.

The **Chairman** welcomed that **Mr Roberto Viola** (General Secretary, AGCOM, Italy) has expressed his interest in the post of Chairman of the RSPG and underlined that Mr Viola is in a position to ensure a high level of continuity of the work of the RSPG, in particular, regarding the implementation work for the Radio Spectrum Policy Programme (RSPP). Mr Viola was elected by acclamation as RSPG Chairman for the term of office 2012-2013. The Chairman also welcomed the candidacy of **Mr Gilles Brégant** (Director General, ANFR, France) for the post of the Vice-Chairman of the RSPG. Mr Brégant was elected, also by acclamation, as Vice-Chairman of the RSPG for the term of office 2012-2013.

The **Commission Representative, Mr Ruprecht Niepold** on behalf of **Mr Antti Peltomäki**, Deputy Director-General of DG Information Society and Media, congratulated the Chairman elect and Vice-Chairman elect and expressed his trust that a seamless handover will be ensured at the end of the year.

**(2) Adoption for public consultation of a draft RSPG Opinion on the review of spectrum use for public consultation.**

The **Rapporteur** in charge of this activity, **Mr Jim Connolly** (ComReg, Ireland), presented the draft RSPG Opinion highlighting the structure and main items addressed. He explained that the working group has set out the objectives and the phases in which a spectrum review can be undertaken. He emphasised that the draft Opinion also contains a comprehensive overview of the challenges likely to be faced in conducting a Europe-wide spectrum review. In particular the draft Opinion describes:

- A methodology for the spectrum review as foreseen in the RSPP Decision;
- the essential task of identifying the responsible entities which should contribute to a spectrum review;
- the core tasks of assessing the demand for radio spectrum and identifying what spectrum may be available for new uses.

In addition, Mr Connolly emphasised the complexity of assessing whether a particular frequency band is suitable for new services and applications. He also mentioned that

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<sup>1</sup> Document RSPG11-384. 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)

there might be a need to align the draft Opinion with the RSPP as adopted by Council and Parliament.

During the discussion, **RSPG Members** showed a high level of support for adopting this draft Opinion for public consultation. Several Members thanked the working groups for analysing the challenges and for highlighting the importance of finding cost effective solutions and avoiding duplication of EFIS.

The **Vice-Chairman and Chairman elect, Mr. Viola**, congratulated the Rapporteur for the work and underlined that this Opinion will play an important role in developing more dynamic allocation tables.

The **Commission representative** thanked the working group for comprehensively addressing a very complex subject matter. He emphasised that the Commission study on the inventory and review of spectrum was undertaken in parallel with the RSPG work in order to gain first practical experiences that will feed into the process of implementing the inventory of existing uses of spectrum that will be established by the RSPP. In this context he confirmed that the aim is to avoid costs and duplication of data collection.

The **draft Opinion**<sup>2</sup> was formally adopted unanimously for public consultation. The document is published on the RSPG web site and the period for public consultation will end on 10 January 2012.

In addition and in relation to this draft Opinion and all subsequent RSPG deliverables the **RSPG Members** discussed and agreed on a standard introductory paragraph to describe the mission of the RSPG.

Finally, the **Chairman** also commended the Rapporteur and the working group for their significant achievement in completing this “landmark” draft Opinion. He also noted that the introductory paragraphs as agreed respectively for Opinions and Reports<sup>3</sup> would be included in this and all future relevant RSPG deliverables.

### **(3) Adoption for publication of a RSPG Report on collective use of spectrum and other sharing approaches.**

The **Rapporteur** for this work stream, **Ms Nadia Katsanou** (Ministry of Infrastructure, Transport and Networks, Greece), presented the final RSPG Report. She recalled that the RSPG in its June plenary meeting had widened the scope of the Report to also cover innovative spectrum sharing approaches beyond the classical "Collective Use" (CUS) category. In order to fulfil this mandate the Report is

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<sup>2</sup> RSPG11-391

<sup>3</sup> The agreed introductory paragraph is as follows: "*Article 2 of the amended Commission Decision establishing a Radio Spectrum Policy Group states that "the RSPG shall assist and advise the Commission on radio spectrum policy issues, on coordination of policy approaches, on the preparation of multiannual radio spectrum policy programmes and, where appropriate, on harmonised conditions with regard to the availability and efficient use of radio spectrum necessary for the establishment and functioning of the internal market". In Opinions (only), it was also agreed to add the following sentence, immediately after the previous paragraph: "RSPG opinions should help in substantiating by qualitative and, wherever possible, quantitative indicators whether a European Union objective can be better achieved at EU level, taking into account the principle of subsidiarity" and a reference to Article 5(3) of the Treaty on European Union and Article 5 of the Protocol on the application of the principles of subsidiarity and proportionality annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.*

structured in four parts that address different aspects of spectrum sharing in the broader sense. These are:

- The opportunities and challenges for new applications in spectrum bands that are shared under a CUS approach where an unlimited number of independent users and/or devices can access the spectrum in the same range of frequencies;
- spectrum sharing opportunities based on Cognitive Radio, sensing and geo-location, including approaches for licensed sharing;
- different approaches for accessing white space spectrum, and
- Conclusions and the next steps necessary to facilitate shared access to spectrum in Europe.

The Report concludes that there is a need to progress further on appropriate regulatory mechanisms in regard to sharing of spectrum and to foster more efficient use of it, both for the commercial and public sector. In this regard, the working group proposed a new concept called Licensed Shared Access (LSA) to provide new sharing opportunities on a European scale under a licensing regime, while safeguarding national current spectrum usages which cannot be re-farmed. Ms Katsanou underlined that this new concept requires further work.

During the discussion, **RSPG Members** welcomed the Report as addressing a very important topic and providing a good basis for further developing new sharing opportunities. Several Members emphasised that the LSA concept would merit more detailed work including in-depth analysis of the implications. Due to the novel approach proposed, two Members expressed the view that a public consultation could bring an added value. In addition, some revisions of the text were discussed and agreed by the Group.

The **Vice-Chairman, Mr. Viola** emphasised that it would be important for the RSPG to adopt this Report in order to have through its timely publication an impact on the current debates. He also suggested the possibility to be able to take this work further in the next work programme.

The **Commission Representative** underlined the importance of a timely adoption of the Report in view of the forthcoming Commission Communication on shared use of spectrum. He emphasised that this Report confirms that the CUS model is working successfully for a large number of applications and that there is a benefit in further promoting this model. The LSA concept is an interesting next step that could foster more flexibility and more sharing opportunities. Consideration should be given to developing such an approach from the outset with an internal market perspective.

The **Report**<sup>4</sup> was formally adopted unanimously for publication. The document is published on the RSPG web site.

The **Chairman** congratulated the Rapporteur and the working group for their achievement and for taking on the RSPG proposal to broaden the scope of the Report. In this context he proposed as a follow-up activity, that in particular the LSA concept could be developed further and in principle the preparation of an Opinion on LSA could be planned in the RSPG work programme for 2012.

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<sup>4</sup> RSPG11-392

**(4) Adoption for publication of a RSPG Report on improving broadband coverage.**

The **Rapporteur** in charge of this activity, **Mr John Canavan (Ofcom, UK)**, presented the outcome of the work. He first explained that the main source of information came from the extensive questionnaire to Member States issued by the joint BEREC-RSPG working group on the social and economic value of spectrum. He expressed satisfaction for the good cooperation that prevailed between the working groups.

Mr Canavan summarised the conclusions reached on the main areas which were part of the investigations, namely:

- The analysis of the varying levels of success of methods used by member States to ensure wider coverage of wireless broadband access (obligations in licenses, public procurements, infrastructure sharing, other incentives, etc);
- a review of competition issues linked to coverage obligations in licences (distortion of competition, new entrants, etc);
- implications of coverage requirements on spectrum harmonisation measures and efficient use of spectrum, noting some issues of under-utilisation of spectrum.

Mr Canavan further reported that, although the deliverable was initially planned to be an "Opinion", the working group concluded that it would be better to propose that the RSPG adopts it as a "Report". The main reason is the fact that, although the document contains a lot of information and presents an extensive analysis of experiences in Member States, it is however not sufficiently conclusive on a number of topics for clear recommendations to the Commission to be derived at this stage.

**RSPG Members** welcomed the proposed Report and expressed appreciation for the work done. Several Members suggested that the Report could be followed by an Opinion next year. In this context, the **Chairman** proposed that a follow-up activity, in principle the preparation of an Opinion, be planned in the work programme for 2012.

The **Commission Representative** stressed the value of the work undertaken as it includes a wealth of information on national experiences to address coverage aspects.

The **Report**<sup>5</sup> was formally adopted unanimously for publication. The document is published on the RSPG web site.

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

**(5) Adoption for public consultation of a draft RSPG Opinion on the process for EU assistance in bilateral negotiations with third countries and between EU countries on the review of spectrum use.**

The **Rapporteur** for this work stream, **Mr Eric Fournier (ANFR, France)**, presented the draft RSPG Opinion with a view to adoption for public consultation. He explained that this draft Opinion includes procedures for two cases in which spectrum coordination negotiations could be supported by the RSPG, namely:

- bilateral negotiations with third countries, and
- bilateral negotiations between EU countries.

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<sup>5</sup> RSPG11-393

Mr Fournier emphasised that this draft Opinion does not imply any regulatory measure, but that it aims at facilitating agreements in bilateral negotiations. To this end, the RSPG could, in the case of negotiations between EU countries, use its "good offices" by providing neutral advice on spectrum coordination negotiations to the concerned parties.

During the discussion, **RSPG Members** expressed broad support for the draft Opinion. Some Members provided updated information in regard to bilateral agreements which will be taken into account during the public consultation. One member (Italy) reserved its views on the draft Opinion and requested more time to study the implications in detail. This member requested that the following statement be quoted in this report:

*"Italy reserves its position on the draft proposal concerning EU assistance in bilateral/multilateral spectrum negotiations between EU Member States. Italy needs more time to study this matter in more details before expressing its position and, since there is no urgency, Italy asks to postpone the launch of the public consultation until after the next RSPG meeting".*

The **Commission Representative** welcomed the work done and suggested that the draft Opinion should be aligned with the relevant provision in the RSPP after the public consultation. In addition, a modification of the text was suggested to ensure that the Opinion is in line with the rules of procedure of the RSPG. The modification was supported by the group and included.

The **Opinion**<sup>6</sup> was formally approved for public consultation with one abstention. The document is published on the RSPG web site and the period for public consultation will end on 10 January 2012.

The **Vice-Chairman, Mr. Viola** emphasised that this will be a "landmark" Opinion that successfully concludes a debate that was started in the context of the RSPP Opinion.

The **Chairman** commended the Rapporteur and the working group for their achievement and noted that, as in the case of the draft Opinion on the review of spectrum use, the introductory paragraph of this Opinion would also be aligned with the agreed text.

## **(6) Preparation of the joint RSPG-BEREC Report on Economic & social value of spectrum**

The **Rapporteur, Mr Thomas Heutmann (BnetzA, Germany)** reported on the status of this activity and informed the group that more time is needed to finalise the Report. In particular the important aspect of the social value of the radio spectrum for electronic communications services requires additional deliberations in the working group to finalise the common understanding on this part of the Report. In this regard, another meeting of the joint RSPG-BEREC working group is foreseen in early December and it is requested to postpone the adoption of the Report until the next plenary meeting of the RSPG in February 2012.

During the discussion, **RSPG Members** expressed support for extending the deadline for the Report, given the requirement for further deliberations on how to assess the

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<sup>6</sup> RSPG11-395

social value of spectrum. It was also suggested that the group should consider changing the title of the Report to more properly reflect the content of the Report as it focuses only on the commercial bands and does not give a full picture of the economic and social value of spectrum in general.

The **Commission Representative** commented that this Report will be a valuable contribution but that more work is needed and expressed the hope the Report could be adopted at the next Plenary meeting.

The **Chairman** concluded that there was no objection against extending the deadline and requested that the work would be completed as soon as possible. The new date set for adoption by the RSPG would be 29 February 2012.

#### **(7) Amendment of the RSPG Rules of Procedure**

The Rapporteur, **Ms Christiane Seifert (BnetzA, Germany)**, provided a brief overview of the proposals for amendment of the Rules of Procedure as developed by the working group.

On behalf of the **Commission Representative, Mr Pearse O'Donohue**, Head of Unit Radio Spectrum Policy DG Information Society and Media, introduced the final proposal from the Commission services for amendment of the Rules of Procedure. He explained the legal context in which the amendments have to be made. In this context he underlined that the Commission services have accommodated the amendments proposed by the working group to improve the work of the RSPG to the extent possible, but that in some cases it was not legally possible to do so.

Following a brief exchange of views between the **RSPG Members** in regard to the proposal for amendment of the Rules of Procedure, the **Chairman** proposed to adopt the amendments as tabled by the Commission.

The amendment of the **Rules of Procedure** was formally adopted by the RSPG with one abstention.

The **Commission Representative, Mr Antti Peltomäki**, Deputy Director-General of DG Information Society and Media, formally approved the amendments of the Rules of Procedure as adopted by the RSPG.

The **Chairman** commended the Rapporteur and the working group for this achievement and noted that the adopted amendments of the Rules of Procedure come into force immediately, except for the deletion of Article 8.5 which will come into force on 1.1.2012.

#### **(8) Discussion on the RSPG Work Programme 2012**

The **Chairman, Mr Byrne**, presented a preliminary list of topics for consideration by the RSPG regarding the work programme for 2012. He noted that the joint RSPG-BEREC Report would have to be completed and that the two draft RSPG Opinions considered at this meeting would have to be adopted in the first plenary in 2012 following the public consultation.

The **Vice-Chairman and Chairman elect for 2012-13, Mr. Viola**, proposed that the Group could approve in principle a draft work programme by correspondence in the coming weeks with a view to launching a public consultation in January 2012 and adopting the final work programme at the first plenary meeting in 2012.

During the exchange of views, the **RSPG Members** endorsed the proposal of the Chairman-elect to prepare the final draft work programme by correspondence before

the next plenary meeting. Some Members mentioned that reaching the targets for wireless broadband frequencies should be a priority for a further work item. It was also emphasized that work on forward-looking approaches for interference management would have a merit, but would have to be conducted carefully while taking into account the current legal basis for interference responsibilities in Member States. The proposal to define the scope of work items in more detail was also supported.

The **Commission Representative** welcomed the proposals that were discussed as well as the suggestion to have more precise mandates for working groups, while avoiding that the work programme itself is overly prescriptive.

The **Chairman** noted the agreement of the Group to prepare the next work programme by correspondence with the goal of conducting a public consultation on the draft work programme in January 2012 before the next plenary meeting.

#### **(9) 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 report<sup>7</sup>.

#### **(10) 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 of the key messages that he was intending to convey at the stakeholders briefing session following the plenary meeting. Commenting on the outcome of the Plenary, Mr. Byrne stated that with the completion of its final Plenary for 2011, RSPG should be proud that it has substantially delivered on the busy and challenging work programme it set for 2011. The Opinions and reports presented by RSPG on the key areas of the **Review of Spectrum Use, Improving Broadband Coverage, Collective Use of Spectrum** and **EU Assistance in Bilateral Negotiations** are strategic items necessary for development of spectrum policy in the EU. In delivering on its work programme for 2011 RSPG looks forward to further advising the Commission and other EU institutions on Spectrum Policy. In particular, with the adoption of Europe's first Radio Spectrum Policy Programme early next year, RSPG will continue to advise key stakeholders on how best to optimise the use of Spectrum so as to stimulate economic growth, support social inclusion and promote the internal market for the benefit of all EU Citizens.

Mr Byrne also thanked all the members of RSPG for their excellent support during his year as Chair. In particular, he expressed his sincere thanks and appreciation to the Vice Chair, the Rapporteurs and Secretariat. Finally, he wished both the Chair elect and Vice-Chair elect every success during their respective tenures.

The **next RSPG meeting** (RSPG#27) is scheduled to take place in Brussels on Wednesday **29 February 2012**.

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