

1 July – 31 December 2010

Belgian Presidency of the Council of the European Union

RSPP PROGRESS REPORT FOLLOWING COUNCIL MEETING DECEMBER 3th 2010

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1. INTRODUCTION

- Commission's proposal on September 20th 2010
- Top of the Belgian Presidency's priorities (one of the most important legislative initiatives in the European Digital Agenda)
- First input of the TELCO's WP : progress report for the TTE Council
- Upcoming discussions with the European Parliament
- Transition toward the HU Presidency
- Guidelines for the exchange of views at the Council

2. THE COMMISSION'S RSPP PROPOSAL

- Recalling of the new regulatory framework for ECS
- Article 8a(3) of the FWD
- Main objectives of the RSPP
- Global context of the “Broadband Package”
- Legal base proposed : Article 114 TFEU (first opinion of the legal service of the Council on 2 December)

3. PRINCIPAL REACTIONS OF THE DELEGATIONS (WP)

- General views
- Reactions concerning proposed actions and common principles
- Opinion of the Council's Audiovisual Working Party
- Limitation to political guidance (progress report and exchange of views)

4. MAIN ISSUES TO BE DISCUSSED FURTHER

- Objectives of the RSPP proposal
- Legal basis and scope of the proposal
- Spectrum for wireless broadband
- Spectrum management issues

5. ARGUMENTS PUT FORWARD BY THE DELEGATIONS ON THE MAIN ELEMENTS OF THE PROPOSAL

- Spectrum for wireless broadband communications
- Aim and scope
- Legal basis and link with the new regulatory package for ECS
- Spectrum management issues : enhanced efficiency and flexibility, spectrum inventory and monitoring, cooperation among various bodies
- Competition
- International aspects

6. MAIN CONCLUSIONS FOLLOWING THE COUNCIL'S EXCHANGE OF VIEWS

- Very large exchange of views (25 MS)
- Progress report and questions unanimously welcomed
- No surprise but more positive comments (public deliberation)
- Economic and social value of the broadband, importance of mobile and wireless broadband
- Need of spectrum to satisfy wireless broadband growth

1st question about spectrum contribution to the goals of Strategy EU 2020, including for other sectors

- Do the Ministers believe that spectrum should contribute to achieve the goals of EU2020? In particular, should spectrum contribute to economic growth and to secure a competitive advantage in innovative wireless technologies, not only in the telecom sector but also in other sectors such as transport, the environment, energy or research & development?**
- The MS largely stand behind this “open door oriented” question**
- Important contribution expected from the spectrum to achieve the goals of EU2020 but also to boost competitiveness and improve quality of life**
- Horizontal benefits of a common spectrum policy in other sectors such as transport, environment, space, energy & innovation**
- Positive effect expected on the opening up of remote regions of the EU**

2nd question about an inventory of the different uses made of the spectrum in Europe

- In order to contribute fully to the goals of the Digital Agenda and of EU2020, should the Commission be asked to produce in collaboration with the Member States an inventory of the different uses made of the spectrum in Europe? Are there some types of spectrum that should be addressed more carefully in such inventory?**
- The majority of the delegations answering to that question are in favour or rather in favor of the EC's proposal of such an inventory**
- Clear and common rules are needed and the problem of the confidentiality of the data to consider**
- Administrative and financial burden to avoid for MS**
- Some MS are against the proposal, recalling the national competence for the inventory of such information**

3rd question about harmonization of spectrum for ECS (common deadlines and possible obstacles)



- With regard to (harmonized) spectrum used for electronic communications services, do the Member States wish to agree on early common deadlines for making spectrum available for wireless broadband? How should possible obstacles be addressed?
- **The principle of the opening of the 800 MHz band to wireless broadband services is unanimously welcomed.**
 - **Some MS indicate that it is essential to free up this band as fast and as efficient as possible and defend the proposed 2013 term.**
 - **But a lot of delegations are still worried about the schedule of the broadband release : especially the MS sharing external borders with third countries fear problems inside cross-border frequencies**
 - **Some MS underline their specific situations, especially concerning the current use of this band for national security or defence.**
 - **A few delegations suggest using the year 2015 as a better term for the free up of the 800 MHz band.**

4th question about Union's role in international negotiations

- **Should the Union play a broader role in order to better defend and promote the EU spectrum policies in international negotiations?**

- **Many delegations can support the coordination role of the EU in international negotiations, sometimes with the need of a large margin of flexibility to defend their own point of view, while some other ones can't and clearly ask for a status quo.**

- **The delegations fearing coordination problems concerning the cross-border frequencies ask the Cion's support in view of their bilateral negotiations.**

Other concerns from some delegations

- **Some delegations emphasize on the importance to avoid reopening the discussions of the telecom package concerning spectrum management policy, the transposition of which by the MS being still in progress and staying the reference basis : the currently examined decision can't go against the existing framework.**

7. GENERAL CONCLUSIONS AND EXPECTATIONS

- First exchange of views in Parliament's ITRE Committee on December 9th 2010 very constructive
- Perspectives for the HU Presidency : 1st reading ?
- Urgency but there's still a long way to go....