

Agreement
Between the Administrations of Luxembourg and Germany
Concerning a Common Approach to the Future Distribution of Resources
Within the Frequency Range 470 MHz to 790 MHz

The German Administration and the Luxembourg Administration,

considering that:

1. during the latest WEDDIP meetings the group concluded that a temporary agreement until 2017 has been reached among the members of the group, while some bilateral negotiations are still needed,
2. furthermore, it has also been stated that new options would arise in the coming years to resolve possible regional lack of spectrum resources, following expiration of existing licenses till 2017 or due to implementation of upcoming DVB-T2 networks with new technical parameters possibly improving future capacity supply,
3. these options could contribute to a long term agreement beyond 2017,
4. individual national capacity demands and network implementations may differ and may change in the course of time,
5. to the extent possible, Administrations should be enabled to implement networks according to their individual demands taking into account the existing regulatory framework or other options agreed commonly,
6. such individual implementation must not cause harm to the balance of distribution of resources, and
7. any agreement is based on the equitable access principle

agree on the following:

1. The German Administration and the Luxembourg Administration will establish a common working group to tackle the problem of future distribution of resources in the frequency range 470 MHz to 790 MHz bilaterally.
2. This working group shall start its work as soon as possible; first agreeable results should preferably be available before the end of 2012.
3. This working group shall take into account existing network implementations as well as developing individual demands
4. This working group should aim for an equitable access situation of the resource distribution in the cross-border region of the two concerned countries at the end of the process, regardless what the existing situation stems from.
5. This working group should also take into account a possible future shift of the frequency usage in the mentioned frequency range, according to new situations as a result of WRC-12 by a co-allocation of the frequency band below 790 MHz from 2015 on.

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6. Both Administrations will support each other in pursuing their common targets in a multilateral context. In particular, this explicitly includes the target of reaching a long term equitable access situation.

further agree,

1. that with the conclusion of this Agreement the individual confirmation as referred to in Article 9 of the AGREEMENT BETWEEN THE ADMINISTRATIONS OF BELGIUM, FRANCE, GERMANY, LUXEMBOURG, THE NETHERLANDS AND SWITZERLAND ON FREQUENCY PLANNING AND FREQUENCY COORDINATION AT BORDER AREAS FOR TERRESTRIAL SYSTEMS CAPABLE OF PROVIDING ELECTRONIC COMMUNICATIONS SERVICES IN THE FREQUENCY BAND 790 - 862 MHz (Brussels, 11th October 2011) is herewith given between the German Administration and the Luxembourg Administration.

For the Luxembourg Administration

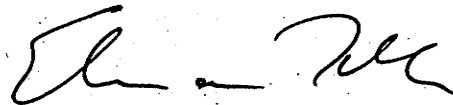
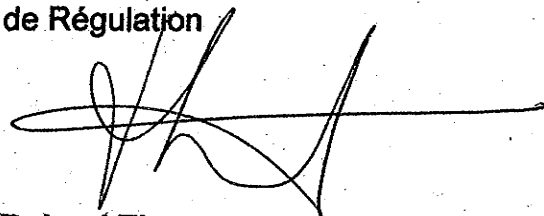
For the German Administration

Date: ... 29.3.2012

Date: ... 29.03.2012

Pour l'Institut Luxembourgeois
de Régulation

By direction of the President



Roland Thurmes

Elmar Zilles

Premier Conseiller de Direction

Referatsleiter Rundfunk