

Memorandum of Understanding

between the Administrations of Luxembourg and of Germany concerning their common approach on dealing with the 470 MHz to 694 MHz and the 694 MHz to 790 MHz frequency bands

This Memorandum of Understanding (MOU) sets for a partnership in terms, time frames and common understanding between the Administrations of Luxembourg and of Germany concerning a common approach to ease plans and implementations of services and networks in the 470 MHz to 694 MHz and the 694 MHz to 790 MHz frequency bands.

Such a partnership and common understanding between both Administrations is crucial for securing the implementations of services and networks as well as for the coordination of relevant frequency resources, in particular during the upcoming period between 2015 and 2018.

It is understood, that this MOU is not aiming for a synchronous introduction of any service, or even for the introduction of any same service in one of the frequency bands. However, one common goal for both Administrations is to release the 694MHz to 790MHz band (hereafter, the '700MHz band') from terrestrial broadcasting services at the earliest possible date.

The Administration of Luxembourg is seeking a solid basis in terms of co-ordinated frequency resources for the implementation of the following services:

- at least 4 national layers based on DVB-T technology
- 1 layer based on DVB-T2/hybrid technology for long term purposes (>2020)
- sufficient spectrum allowing PMSE operation (wireless microphones) for regular deployment and exceptional/occasional operation

While finalizing the process for a political consensus, for the Administration of Germany the implementation of the following services is relevant:

- at least two HEVC-based DVB-T2-bouquets, starting from spring 2016 at latest
- safe-keeping and long-term management of terrestrial TV provision to the demanded extent by the completion of the transition from DVB-T to DVB-T2 (HEVC-based) as soon as feasible
- the earliest possible improvement of broadband access possibilities in rural areas, in particular, by the future use of the 700 MHz band for IMT, successively starting from 2017



To achieve these goals, the Administrations of Luxembourg and Germany bindingly agree the following:

1. Information

Both Administrations will inform each other immediately, once a national political decision has been taken for the future use of the 700 MHz band and the DVB-T/ DVB-T2 implementation.

2. National coverage in Luxembourg

The intention of the Administration of Luxembourg is to extend the existing coverage for all GE-06 frequency positions below 694MHz in order to reach national coverage (a list of all channels is given in Annex 1).

The list of channels given in Annex 1 will be part of detailed coordination discussions and meetings between the Administration of Luxembourg and Germany as soon as the Administration of Germany has reached a final planning stage for the migration to DVB-T2.

3. DVB-T or hybrid solution in Luxembourg

In addition, the Administration of Luxembourg is aiming to use 1 layer in the band below 694 MHz for new technologies e.g. DVB-T2 or hybrid broadcast/mobile solutions (for details, please refer to Annex 1).

4. Starting the DVB-T2-service in Germany

For the introduction of DVB-T2 the Administration of Germany will pursue the safe-keeping of equitable access and not question previous agreements with the Administration of Luxembourg. The Administration of Germany will ensure to develop an introduction scenario with a minimal amount of changes to the current status between Luxembourg and Germany. As soon as the Administration of Germany has finalised its plans, it will reach out to the Administration of Luxembourg for detailed bilateral discussions. To this date the Administration of Germany foresees the operation of at least two layers for the start of DVB-T2 in Germany providing private and public content without using additional frequency resources. On these grounds, the Administration Luxembourg recognizes the objective for the Administration of Germany to have in operation at least two HEVC-based DVB-T2 layers-starting from spring 2016.

5. Regarding the switchover to DVB-T2



For the time being, it is not possible to define and co-ordinate the detailed distribution of frequency positions throughout a mid-term or long-term timescale. However, the Administrations of Luxembourg and Germany both acknowledge the fact that other frequency resources than those currently in the GE06 and those not yet identified for the future plan might be needed during a switch over period to DVB-T2. With this in mind both Administrations recognise the fact that during a switch over period equitable access might not be possible to maintain, however, the final aim remains to get back to an equitable access situation

6. Ensuring the usability of the frequency band 694 MHz to 790 MHz for IMT in Germany and in Luxembourg

The Administration of Germany aims at not using its GE06 frequency positions in the 700 MHz band from middle of 2019 at the latest. The objective of the Administration of Germany is to implement as soon as possible mobile broadband services in the 700MHz band.

The Administration of Luxembourg does not use the 700MHz band for terrestrial broadcasting to this date and does not intend to make use of its GE-06 frequency positions in future. The objective of the Administration of Luxembourg is rather to implement as soon as possible mobile broadband services according to the channelling arrangements such as described in the CEPT Report 53 for MFCN.

The use of the remaining part of the band, i.e. PPDR, PMSE and SDL, is subject for further national considerations.

Furthermore there might be a need for other coordination agreements between Germany and Luxembourg covering the future use of the 700 MHz band.

7. Ensuring equitable access after the completion of the above-mentioned steps

Both the Administrations of Luxembourg and of Germany understand, that it might be difficult to ensure equitable access to the spectrum at any point of time and at any part of the common co-ordination area during all the transitional steps mentioned. In addition to this MOU, the above-mentioned Administrations bindingly oblige themselves to develop an appropriate agreement in due time and well in advance of the phase beyond the completion of all transitional steps mentioned, expected in the year 2018, which will fix an accepted equitable access situation.



This MoU is without prejudice to the result of coordination agreements that either the Administration of Luxembourg or Germany sign with other neighbouring countries, nor should it in any way hinder such coordination agreements.

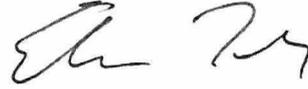
16.09.2014

15th September 2014



For the Administration of Luxembourg

CLAUDE RISCHETTE



For the Administration of Germany

Elmar Zilles
Head of Section Broadcasting

Annex 1 to the “Memorandum of Understanding between the Administrations of Luxembourg and of Germany concerning their common approach on dealing with the 470 MHz to 694 MHz and the 694 MHz to 790 MHz frequency bands”

1. National coverage in Luxembourg

As described in section 2 of the above mentioned Memorandum of Understanding (MoU) the intention of the Administration of Luxembourg is to extend the existing coverage for all GE-06 frequency positions below 694 MHz in order to reach national coverage.

This aim of the Administration of Luxembourg is to utilize the channels 21, 24, 27 and 41 for its above described intention. All these channels are parts of GE06 entries from Luxembourg. Currently, only the three first mentioned channels are in operation.

An evaluation about the utilization and detailed discussion will be part of coordination meetings and discussion in the foreseeable future. The Administration of Germany will finalize its national plans on the migration to DVB-T2 and reach out to the Administration of Luxembourg for detailed discussions by fall 2014 at the latest.

2. DVB-T or hybrid solution in Luxembourg

As described in section 2 of the above mentioned Memorandum of Understanding (MoU) the Administration of Luxembourg is aiming to use 1 layer in the band below 694 MHz for new technologies e.g. DVB-T2 or hybrid broadcast/mobile solutions.

Handwritten signature in blue ink, followed by the date "2/11/15".