

## **Information**

### **5G – Current status of the consultation procedure**

#### **I. Overview**

In June 2017, key elements for the award of spectrum in the 2 GHz and 3.6 GHz bands were published for consultation and demand identification proceedings initiated.

Based on the views submitted and the requirements notified, the Bundesnetzagentur has drawn up a draft President's Chamber decision on the award of the above-mentioned spectrum. The intention is to make available, for nationwide use, 2 x 60 MHz (paired) from the 2 GHz band jointly with 300 MHz (unpaired) from the 3.6 GHz band in one set of proceedings at an early stage.

In keeping with the aims of the federal government's broadband strategy and the 5G Strategy for Germany, the Bundesnetzagentur's priority is to create planning and investment certainty at an early stage in the provision of suitable spectrum resources for broadband rollout and also for the user groups affected by the spectrum provision (including satellite communications, radio astronomy, regional network operators, and small and medium-size enterprises) and their interests.

The draft for consultation comprises the following partial decisions:

- 1. Order for award proceedings based on the forecast of scarcity**  
(Decision I)
- 2. Choice of award proceedings in the form of an auction** (Decision II)

#### **II. Details**

##### **1. Re Decision I (Order for proceedings)**

The decision on the order for proceedings comprises four essential points:

- Timing of the order
- Availability of spectrum
- Scarcity
- Order for award proceedings

#### **a) Timing of the order**

The intention is to make available, for nationwide use, 2 x 60 MHz (paired) from the 2 GHz band jointly with 300 MHz (unpaired) from the 3.6 GHz band in one set of proceedings at an early stage.

Combined provision at an early stage will give companies maximum planning and investment certainty, particularly with regard to the introduction of new technologies (eg 5G).

Moreover, this approach provides the opportunity, in an open, transparent and non-discriminatory procedure, to align different regulatory framework conditions in a band.

#### **b) Availability**

In the 2 GHz band, 2 x 40 MHz (paired) will be available for new assignments as from 1 January 2021. A further 2 x 20 MHz (paired) of spectrum will be available for new assignments as from 1 January 2026.

In the 3.6 GHz band, some of the spectrum is currently assigned de facto on a nationwide basis and will in principle be available for new assignments as from 1 January 2022. The Bundesnetzagentur intends to enable the spectrum at 3.6 GHz to be used for 5G systems and make the spectrum available for new assignments at an earlier stage from 2019. The aim is to enable contiguous spectrum to be newly assigned and used at the earliest possible opportunity. To this end, the Bundesnetzagentur will initiate administrative proceedings and consult the companies concerned about appropriate and proportionate measures as swiftly as possible after the auction.

The spectrum in the 3700 MHz - 3800 MHz band amounting to 100 MHz (unpaired) is to be provided in an application procedure for regional and local assignments. This will allow applicants to obtain frequency assignments with high bandwidths over the entire period. Thus it will be possible to provide large bandwidths for 5G applications for regional and local assignments as well, so that the advantages of this band for 5G can be fully exploited.

#### **c) Scarcity**

Several companies notified their qualified requirements in the demand identification proceedings. In total, the qualified demand exceeds the supply of available frequencies in the 2 GHz and 3400 - 3700 MHz bands.

Besides the demand identification proceedings, the President's Chamber has based its forecast of excess demand for spectrum on other facts as well. These facts relate to the competitive environment, the continued growth in data volumes, and technical developments.

**d) Order for award proceedings**

Given the scarcity of the spectrum resources, it is intended to order that award proceedings be conducted. Award proceedings are the standard proceedings as provided for by law.

Award proceedings are also suited to ensuring fulfilment of the Bundesnetzagentur's statutory task.

**2. Re Decision II (Choice of proceedings)**

It is intended to order that auction proceedings be conducted. According to the German Telecommunications Act (Telekommunikationsgesetz – TKG), as a general rule auction proceedings are to be conducted should spectrum resources be scarce. Auction proceedings are also suited to securing the regulatory aims set out in the Act.