

# DIGITALEUROPE

## RESPONSE TO THE PUBLIC CONSULTATION ON DRAFT RSPG OPINION ON THE ITU-R WRC-19

July 2018

## 1. Introduction

DIGITALEUROPE welcomes the preparation by the Radio Spectrum Policy Group (RSPG) of their Opinion for World Radiocommunication Conference 2019 (WRC-19) and the publication of the draft Opinion for public consultation.<sup>1</sup> DIGITALEUROPE takes this opportunity to provide its views on the main issues for WRC-19.

DIGITALEUROPE considers that this Opinion will represent a major step towards the definition of European Union consolidated positions for WRC-19, based on a Council Decision. The definition in a Decision of these positions will considerably enforce the role and the visibility of the EU during the complex and intricate WRC-19 process and will ensure that EU Member States will speak with one voice during the Conference.

The comments and proposals of DIGITALEUROPE focus on topics related to broadband access.

The response of DIGITALEUROPE includes several aspects:

1. Considerations of general nature on the respective roles of the EU and CEPT;
2. Analysis of the selection of items to be included in a Decision;
3. Comments associated to specific items or issues for the Conference.

DIGITALEUROPE also notes that for some points proposed for the Council Decision, there is for the time being no consensus within CEPT, or even between the Member States. Consensus may appear at later stage, either before the adoption of this RSPG Opinion, or before the Council Decision itself. DIGITALEUROPE proposes that on these points the Member States, with the support of the European Commission, should make particular effort to reach a common agreed position.

## 2. Roles of the EU and CEPT in WRC-19 preparation process

Traditionally CEPT leads the preparation by European countries for World Radiocommunication Conferences (WRC). This process results in the preparation of European Common Positions (ECP) and draft CEPT Briefs in which the CEPT positions are developed and explained.

For the first time a Council Decision will be prepared for WRC-19. This Decision will cover the issues for which the conclusions of the Conference have a potential impact on the European Union policies. The conclusions of this Decision will be mandatory for each Member State. Issues having no impact on European Union policies will not be included in the scope of the Council Decision.

Membership of CEPT (48 countries) includes all Union Member States, which are involved in the CEPT preparation process. This ensures that no ECP can be adopted that would contradict some elements of the Council Decision. On the opposite it may be possible that for some items in the scope of the Council Decision, no ECP will be approved if sufficient number of CEPT countries outside the EU opposes to it.

CEPT and the Member States will have their parallel but separate coordination processes during the Conference itself. It should also be noted that the Union will not have its own deliberative voice at the Conference but will be able to act only through the coordination process that the representatives of the Commission and of the Member States will put in place for the duration of the Conference.

Concerning the respective roles of the EU and of CEPT, DIGITALEUROPE is of the opinion that:

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1 [https://circabc.europa.eu/sd/a/7ab8a6bb-f59a-434f-9b66-606b5a8067ce/RSPG18-023final-Opinion\\_WRC19-for\\_public\\_consultation.pdf](https://circabc.europa.eu/sd/a/7ab8a6bb-f59a-434f-9b66-606b5a8067ce/RSPG18-023final-Opinion_WRC19-for_public_consultation.pdf)

- While CEPT ensures a certain balance between the introduction of new radio services and applications and the protection of incumbent services, it may happen in several cases “by natural trend” that it would be very protective, or even overprotective of incumbents. **The EU should, in line with its generic role to foster innovation, propose in these cases a more proactive approach, where protection of incumbents should remain considered as a major objective, but be based on realistic scenarios rather than on worst case approaches.**
- During the Conference itself, Member States should ensure as far as possible that the solutions adopted during the Member States coordination process be also adopted by the CEPT coordination process. In cases it would not be possible to reach such result, the solutions developed at the Member States coordination process should prevail for the Member States.

### 3. Classification of items in several cases

DIGITALEUROPE proposes in this section some comments related to the definition of the cases in which the items are classified and some changes in this classification.

#### 3.1 Definition of cases a), b) and c)

The items analysed in the draft RSPG Opinion are divided into three cases:

- Case a), which require an EU position to be proposed by the European Commission for adoption by the Council because a WRC decision may affect common rules;
- Case b), for which an EU position to be proposed by the European Commission for adoption by the Council is desirable;
- Case c), corresponding to instances where RSPG notes an emerging convergence of views, but where an EU position is not required.

DIGITALEUROPE would like to comment on the definitions of these three cases.

The definition of case a) is exhaustive and in DIGITALEUROPE’s view does not need to be further refined.

On the contrary, case b) is not very precisely defined. We understand that this corresponds also to items which may have an impact on European policies and goals but where common rules may not be affected. DIGITALEUROPE points out that this likely corresponds to cases where common rules are not yet defined but are expected in the future, and could be affected in a way that may not necessarily serve the interests of the EU and its Members. **We think that this could be clarified in the RSPG Opinion and even that cases a) and b) could be merged into a single category corresponding to items and issues for which an EU position should be adopted.**

The definition of case c) is also unclear. It can be understood as the fact that every item or issue for which convergence of views is emerging could at the end of the process be included in this category, whatever its impact on existing or potentially coming European rules would be. On the other side, why include in the Opinion items for which a Council Opinion is not required? Maybe to further justify in the Opinion why a Decision is not necessary?

### 3.2 Classification of the agenda items or issues

DIGITALEUROPE supports in general the classification proposed in the draft Opinion, but wishes to provide some suggestions for changes. These suggestions will be developed with more detail in section 4 of the present contribution.

#### Agenda Item 1.13

DIGITALEUROPE supports the proposal of RSPG to include in the Council Decision the support for an IMT identification of the band 24.25-27.5 GHz and its inclusion in case a). Additionally DIGITALEUROPE considers that to be successful even in Europe this identification should be global in conditions that will allow an effective worldwide implementation of IMT in the band. This would result in wider economies of scale which would finally benefit to the European consumers as well.

In our sense this implies:

- Fair regulatory conditions for effective implementation of IMT, especially unwanted emissions limits for the protection of the passive band 23.6-24 GHz that shall be implementable at short term. **DIGITALEUROPE considers that this should be stated in the Council Decision.**
- That the agenda items overlapping with agenda item 1.13 for the band 24.5-27.5 GHz or parts of it should be concluded at WRC-19 in such a way that it does not impact IMT operations in this band. The identification of the band for HAPS in Region 2 should not affect the possibility to identify and to operate the band for IMT in Region 2. **DIGITALEUROPE considers that this aspect of Agenda Item 1.14 should also be categorized as a case a),** in consequence of the classification of the identification of the band 24.25-27.5 GHz for IMT as case a).
- DIGITALEUROPE also supports the introduction of 5G in the band 66-71 GHz, based on 3GPP and IEEE technologies and considers that the request for technology neutrality in the band 66-71 GHz shall be mentioned in the Council Decision as a case a) topic, for inclusion in the Council Decision.
- Additionally, as CEPT focuses now also on band 40.5-43.5 GHz and that EU Member States support this focus, this band will certainly be in the future subject to ECC and EC Decisions and will enter into the EU common rules; this would justify the need for its inclusion in the Council Decision. **DIGITALEUROPE supports the elevation of the band to case a).**
- In case CEPT decides to focus on other bands as well, the inclusion of these bands in the Decision should be considered when preparing the RSPG Opinion itself.

#### Agenda Item 1.11

DIGITALEUROPE was surprised that Agenda Item 1.11 (RSTT) was not considered at all in the draft RSPG Opinion while Agenda Item 1.12 (ITS) is identified as a case a) item.

When considering the situation of Agenda Item 1.11:

- There is a European framework and common rules for at least some applications of RSTT;
- The European Commission, UIC, ERA, CEPT and ETSI are considering the evolution of these rules and the development of the FRMCS in replacement of the GSM-R;

- CEPT has agreed on a common position for Agenda Item 1.11, which would not impact the current and planned EU rules for railways communications;

DIGITALEUROPE considers that the Council Decision should also include Agenda Item 1.11 and proposes that the item be included as case a) in the RSPG Opinion.

#### Agenda Item 9.1. Issue 9.1.8

MTC are expected to become a major market for both Broadband and Narrowband technologies. Currently MTC applications have potential access to a number of bands including IMT, SRD, ISM bands, etc.

DIGITALEUROPE considers that Issue 9.1.8 should also be subject to the Council Decision. Considering that the draft CPM text only considers one view only to solve the issue, DIGITALEUROPE considers that mentioning it in the RSPG Opinion as case b) might be sufficient, as there is little risk that the conclusions of WRC-19 will impact the European rules for MTC/IoT.

## 4. Views on specific items

#### Agenda Item 1.13 – IMT in millimetric bands

DIGITALEUROPE is pleased to provide some comments in relation with this Agenda Item:

- DIGITALEUROPE supports a balanced approach between IMT and legacy applications in defining the constraints applicable to IMT, especially, but not exclusively, for IMT in the band 24.25-27.5 GHz. Too stringent constraints would negatively impact the global development of IMT in this band, refrain the introduction of innovative applications and undermine the EU objectives of ultra-high broadband connectivity for the European industry and the European citizens. On the contrary a new IMT band like the band 24.25-27.5 GHz should be subject to incentive measures, allowing the EU to remain at the forefront of 5G development.

**DIGITALEUROPE thinks that RSPG should encourage in its Opinion the Council to require that Member States at WRC-19 support reasonable measures for the protection of incumbent services and applications sharing the band or operating in adjacent bands, based on realistic and not on worst cases scenarios. With this regard DIGITALEUROPE fully shares the views that have already been expressed by the GSA and the GSMA.**

- DIGITALEUROPE notes that RSPG proposes that EU Member oppose at WRC-19 to any consideration of the band 28 GHz, in case some administrations propose to discuss this band in view of an IMT identification. DIGITALEUROPE disagrees with this position, noting that countries having implemented 5G in the 28 GHz band also support 5G implementation in the 26 GHz band, and that consequently this would not affect the global character of the 26 GHz band identification. DIGITALEUROPE is also of the view that adopting achievable technical conditions for 5G in the 26 GHz band is certainly more important for the global use by 5G of the 26 GHz band than the fact that the 28 GHz band will also be used by 5G.

**DIGITALEUROPE proposes to include the band 40.5-43.5 GHz in the Council Decision as well.**

- For the band 66-71 GHz DIGITALEUROPE considers that the band shall be technologically neutral worldwide. This should be reflected with no ambiguity in the Council Decision.

### Agenda Item 1.16 – WAS including RLANs in the 5 GHz band

This Agenda Item was adopted at last WRC-15 Conference at the initiative of CEPT, following failure of WRC-15 Agenda Item 1.5 on the same topic to designate any new band for WAS/RLANs at 5 GHz.

DIGITALEUROPE notes with regret that, among the five bands considered under this Agenda Item, three of them are already excluded from any possible implementation of WAS/RLANs, or from any change to the technical and operational conditions that are currently applicable to RLANs. The lack of continuity of RLAN designations within the 5 GHz band would make the provision of very large channels (up to 160 MHz) quite impossible.

In consequence DIGITALEUROPE notes that the objectives of two successive Conferences will not be reached.

For the two remaining bands, for which the CEPT positions are still to be defined with diverging views expressed, DIGITALEUROPE notes that:

- For the **band 5150-5250 MHz** opposition to any change comes mostly from CEPT countries outside EU. In these conditions **DIGITALEUROPE encourages RSPG to recommend the Council to include in its Decision support for the relaxation of operational conditions** proposed by some Member States. DIGITALEUROPE points out that this band is not subject to the implementation of the DFS and is therefore more suited than other 5 GHz bands for WAS/RLAN operation on mobile platforms.
- **For the band 5750-5825 MHz, as said in the draft RSPG Opinion the situation is very complex. There is currently no convergence of views within EU countries, but the support for the introduction of WAS/RLANs under some technical and operational conditions receives growing support. DIGITALEUROPE encourages RSPG, Member States and the Commission to adopt a proactive position in support of the introduction of RLANs in this band.**
- In particular DIGITALEUROPE notes that frequency hopping radars will continue to be able to operate within the band 5350-5470 MHz without interference from WAS/RLAN devices, as the introduction of WAS/RLANs in this band is not supported.

DIGITALEUROPE is opposed to any new WRC-xx Agenda Item on 5 GHz WAS/RLANs in the future and considers that any new regulations or bands for WAS/RLANS should be better considered at regional level.

### Agenda Item 1.11 - RSTT

As explained in section 3, DIGITALEUROPE proposes to include this Agenda Item in the Council Decision and to refer to it as a case a) item in the RSPG Decision, as it is for AI 1.12 (ITS).

The reason is that there is a European framework for some RSTT applications. As stated in the draft CEPT Brief:

*“CEPT harmonised the paired frequency bands 876-880/921-925 MHz via ECC Decision (02)05, which identifies those bands for the use by railways operations. In addition the bands 873-876/918-921 MHz are considered by CEPT for a possible extension for GSM-R operations on national level (see ECC Decision (04)06 on PMR/PAMR).*

*Furthermore, the European Commission defines interoperability for pan-European of railway operations in the **EU Directive 2016/797/EU and the associated EC Regulation 2016/919/EC** regulating the technical specifications relating to the control-command and signalling sub-systems of rail system*

*in the European Union. This includes the various RSTT systems and applications on all operational levels.*

*Furthermore, CEPT is currently undertaking work (in PT FM56) on spectrum issues related to railway applications, **especially GSM-R and its successor**. This work includes an assessment of spectrum needs and an identification of suitable candidate bands for European-wide harmonisation for RSTT.”*

CEPT countries have reached agreement on the fact that no change to the RR is necessary and that identification of harmonised bands for RSTT could be done through the normal technical work of ITU-R. Some countries in Region 3 do not share this view and propose methods where some changes in the RR would be made. In these conditions **DIGITALEUROPE is of the view that the inclusion of Agenda Item 1.11 in the Council Decision is necessary (case a)** for the RSPG Opinion). In addition the situation for Agenda Item 1.12 (ITS) is similar and this item is proposed for inclusion in the Council Decision.

### Agenda Item 1.12 - ITS

DIGITALEUROPE supports the views expressed in the draft RSPG Opinion and has no specific comment.

### Agenda Item 9.1 Issue 9.1.8 - MTC

As explained in section 3, **DIGITALEUROPE supports the inclusion of this Issue into the Council Decision, in order to oppose to any regulatory measure at the Conference.**

### Agenda Item 1.5 – ESIMs

This agenda item is quoted as a case c), which means that RSPG suggests that a Council Decision is not necessary for this agenda item.

DIGITALEUROPE supports this view, but brings to the attention of RSPG the following points:

- According to the last version of ECC Report 173, approved in April 2018 the band 17.7-19.7 GHz is currently used by around 88 000 microwave links within CEPT, among those around 62 000 within EU Member States; this likely represents a more challenging issue for ESIMs than the implementation of 5G networks with a coverage limited to some spots in urban areas.
- The band 27.5-29.5 GHz is divided into a “satellite part” and a “terrestrial part” where microwave links can be implemented.
- Coordination between terrestrial links and terrestrial ESIMs uplinks in the 27.5-29.5 GHz band could not be done through the usual coordination mechanisms between FSS and FS.

### Agenda Item 1.14 - HAPS

This agenda item is quoted as a case c), which means that RSPG suggests that a Council Decision is not necessary for this agenda item. There are no EU rules for HAPS and the implementation of HAPS is expected rather in developing countries than in Europe.

As expressed in section 3, **DIGITALEUROPE is of the view that a Council Decision should mention that the implementation of HAPS in Region 2 should not impact the availability of the band 24.25-27.5 GHz for IMT in Region 2.**

### Agenda Item 10 – Agenda Items for WRC-23

DIGITALEUROPE supports the review of the UHF band at WRC-23. This is mainly in line with the conclusions of the Lamy Report which plans a review of the band by 2025.

It should be noted that WRC-23 will not by itself constitute a review of the use of the band. But its conclusions may facilitate the future review by EU of the situation by removing potential barriers to this review.

DIGITALEUROPE is opposed to any new WRC-xx Agenda Item on 6 GHz (5925-6425/6725/7125 MHz) WAS/RLANS in the future and considers that any new regulations or bands for WAS/RLANS should be better considered at regional level.

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## ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies.

DIGITALEUROPE's members include in total over 35,000 ICT Companies in Europe represented by 63 Corporate Members and 39 National Trade Associations from across Europe. Our website provides further information on our recent news and activities: <http://www.digitaleurope.org>

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