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RADIO SPECTRUM POLICY GROUP

Commission activities related to radio spectrum policy

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COMMISSION ACTIVITIES RELATED TO RADIO SPECTRUM POLICY

1. PURPOSE OF THIS PAPER

This paper is to report on Commission activities related to radio spectrum policy since the 47th meeting of the RSPG on 03 October 2018 (RSPG#47). The paper concentrates on activities which have most relevance to RSPG's scope of responsibilities.

2. POLICY DEVELOPMENTS IN THE AREA OF RADIO SPECTRUM

Legislative Work

Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code ("the Code") and Regulation (EU) 2018/1971 (the 'BEREC Regulation') of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC (BEREC Office), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) n°1211/2009 have been published in the Official Journal of the European Union L 321 of 17 December 2018. Both the Code and the BEREC Regulation entered into force on 20 December 2018. Member States have to transpose the Code into national law by 21 December 2020 (with some exceptions of earlier or later application).

3. HARMONISATION AND TECHNICAL IMPLEMENTATION ACTIVITIES

Since RSPG#46, there has been two meetings of the Radio Spectrum Committee on 17 October and 5-6 December 2018. The following issues were discussed:

* During RSC#65 on 17 October 2018:

- **3.6 GHz band**

The Commission presented a second draft of the Implementing Decision “amending Decision 2008/411/EC on the harmonisation of the 3400-3800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community as regards an upgrade of the technical conditions” (RSCOM18-24rev1). The majority of Member States supported the new revision of the document except for the deadline of 31 of December 2021 for the adaptation of the existing rights of use. The deadline was deleted from the text. The harmonised technical conditions are based on the final CEPT report 67 (delivered in July 2018). Noting the overall support from Member States a stable text was developed during the meeting. The Commission services plan to request the opinion of the RSC at the next RSC#66 meeting in December 2018.

- **26 GHz band**

The Commission services presented a draft Commission implementing decision (RSCOM18-41) on the designation and making available of the 26 GHz frequency band for wireless broadband electronic communications services under harmonised technical conditions, with particular focus on 5G use. The draft Decision received broad support from the Member States. Based on the inputs made at the meeting, the Commission services submitted to the Committee a revised version of the draft Decision (RSCOM18-41rev1) for further written comments.

- **ITS**

The Commission services sought the views of the MS on proposed options regarding the follow up of the CEPT/ETSIwork (still ongoing) on the extension of the 5.9 GHz ITS band and (linked to that) their views also on amending the original mandate to CEPT (RSCOM17-26) in order to:

1. Clearly express the task to also study the definition of priority bands, i.e. a band split for ITS-G5 and LTE-V2X, in the absence of coexistence solution;
2. Extend the mandate to cover the band up to 5935 MHz for Urban Rail.

It was concluded that

- There was no consensus to amend the Mandate on either topic;
- A majority of Member States were in favour of studying the extension at 5935 MHz for ITS urban rail taking into account RLAN studies at 6GHz and demands for ITS urban rail services;
- A majority of Member States was not in favour of studying a band split between ITS-G5 and LTE-V2X at this stage.

ETSI was urged to finalise its work on co-channel sharing solutions and to make relevant inputs to CEPT in time for the ECC meeting that will decide in March 2019.

* During RSC#66 on 5-6 December 2018:

UWB

The Commission presented first drafting elements for Commission Implementing Decision amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community, the so-called UWB Decision (RSCOM18-54). The proposed amendment is based on the outcome of CEPT Report 69 (RSCOM18-56) in response to Permanent Mandate on UWB which was given to CEPT in 2017. Following written comments by Member States on document RSCOM18-54, the Commission will prepare a stable draft of Commission Implementing Decision amending Decision 2007/131/EC in order to request a positive opinion of the RSC at the next meeting in March 2019. The aim is to also take into account the latest update of relevant ETSI standards once adopted.

- **Drones**

The Commission services presented an update document on issues related to spectrum needs for Unmanned Aircraft Systems (UAS) in the EU (RSCOM18-57). This covered a clarification on the interplay of the new EASA basic regulation with the Radio Equipment Directive, a summary of the latest developments regarding UAS spectrum activities within CEPT and information on the state of affairs concerning the Commission initiative “Detailed rules on unmanned aircrafts”. The discussion in the Committee focussed on these three

aspects and some details were clarified. The Commission will update the Committee in its activity report on new regulatory activities concerning drones such as a possible regulatory measure for U-Space, a project for an Unmanned Aircraft Traffic Management (UTM) system.

- **26 GHz band**

The Commission services presented a revised draft Commission implementing decision (RSCOM18-41rev2) on the designation and making available the 26 GHz frequency band for wireless broadband electronic communications services under harmonised technical conditions, with particular focus on 5G. The draft Decision was discussed and amended with view to ensuring co-existence with other incumbent use and elaborating certain technical elements. Based on the contributions at the meeting, a stable revised version of the draft Decision (RSCOM18-41rev4) was agreed.

- **3.6 GHz band**

The Commission services presented a revision of the draft Commission Implementing Decision (RSCOM18-24rev5) on amending Decision 2008/411/EC on the harmonisation of the 3 400-3 800 MHz frequency band. Main changes made during the meeting concerned the title, reference to certain articles of the European Electronic Communications Code, the addition of an example of 5G technology, graphic corrections to the image in the annex, and some minor editing.

A detailed discussion took place on point B3 of the annex (general parameters) which foresees the availability of large contiguous blocks of preferably 80-100 MHz, in order to achieve the objective of defragmentation. The arguments for and against including a specific figure were heavily debated. In the end the Commission decided to request the formal opinion of the RSC without any change to the text of point B3, since a compromise wording could not be reached.

The text of the draft Implementing Decision (RSCOM18-24rev7) received a positive opinion of the RSC and will be adopted by the Commission shortly.

- **mmWave bands**

The study team (IDATE & PLUM) presented the results of the study on the initiative in question.

In terms of services expected to use mm-wave bands, the study resulted in:

- Enhanced Mobile Broadband (eMBB) services for high capacity (Fixed Wireless Access (FWA), high-definition video communications, virtual, augmented and mixed realities);
- Services for vertical sectors including automotive ((V2X: Vehicle-to-everything, autonomous cars), other transportation (trains and buses), manufacturing/industrial automation, energy grid communications, smart cities, and medical applications;
- Public safety and Fronthauling/backhauling.

The use of the mm-wave bands will be progressive in Europe with expected initial adoption by 5G operators in congested hot-spots, roads and major transport paths.

Based on the abovementioned results the team made a number of recommendations, such as the Commission's monitoring of small cells deployment, which is crucial for the 5G development, as well as monitoring actual 5G deployments, especially of verticals, in order to enable timely updating of traffic forecasts (which have implications for infrastructure costs and for EMF).

The Commission should also monitor compliance with Article 54 of the EECC (that allows the use of at least 1 GHz of the 24.25-27.5 GHz band) and actual deployments of mm-wave 5G services utilising this spectrum (including deployments for vertical industries) in order to permit timely updating of 5G demand forecasts. Harmonization of the full 26 GHz band is desirable, as a means of motivating chip manufacturers to provide the requisite support.

With regard to the Authorisation of mm-wave spectrum, this should be the least onerous and restrictive possible and promote opportunities for sharing of spectrum. In this regard, Member States should consider light licensing regimes in the 26 GHz band and the other mm-wave bands, namely General Authorisation where feasible. In the 26 GHz band Individual Rights of Use (IRoU) should only be used when they are objectively justified.

Furthermore, the study team recommended that the Commission should exercise its coordinating powers as regards the next WRC in 2019 to seek to ensure that the bands recommended by the RSPG for 5G deployment on mm-wave bands, become or remain available for that usage.

On coexistence issue (Mobile/Satellite) more technical studies are needed. The decision to protect the EESS (passive) service with a stringent out-of-band emission limit at 26 GHz has enforced a 'maximum compliance' approach, with implications for the practical availability of the lower part of the 26 GHz band. This may have an impact more in terms of the administrative process for spectrum assignment (i.e. block sizes available for operators) than on constraining capacity. As regards the satellite 5G hybrid solutions there are some developments, with a global emphasis rather than focused on Europe. However, the high penetration of terrestrial solutions in Europe limits the potential for widespread deployment of hybrid satellite use cases.

Finally, the team recommended that when standards for measurement of EMF are stable, MS authorities should establish procedures for verifying that EMF limits for 5G (including mm-wave 5G deployments) fulfil European requirements as specified in the Council Recommendation of 1999 (or any successor). It should be noted that article 45(2)(h) of the Code calls on the MS to pursue consistency and predictability throughout the Union regarding the way the use of radio spectrum is authorised in protecting public health, taking into account the above mentioned recommendation.

RSC#67 is scheduled for 13 and 14 March 2019 in Brussels.

3. OTHER ACTIVITIES

Update on the preparation for the adoption of the Implementing Act(s) concerning the small-area wireless access points, pursuant to Article 57 of the Code.

The Commission is working to specify the physical and technical characteristics of small-area wireless access points (SAWAPs or small cells), which should be exempted from any

individual town planning permit or other individual prior permits, pursuant to Article 57 of the European Electronic Communications Code (EECC or the ‘Code’).

The Commission assigned a study to SCF Associates LTD (**SMART 2018/0017**) in July 2018 to collect evidence and views in implementing the above requirements. A stakeholder workshop, as part of the ongoing study, was held on 22 November 2018. The aim of the workshop was to inform relevant stakeholders and experts about insights and preliminary results, discuss the views of stakeholders and gather concrete feedback that would contribute to the results of the study. The stakeholder participation was high and the results of the workshop are summarized in a report available at:

<https://ec.europa.eu/digital-single-market/en/news/study-workshop-small-area-wireless-access-points-small-cells>.

The Commission opened a public consultation on Jan 16 in order to collect concrete feedback and views from all interested parties that will contribute to the inception of such EU-wide regulatory measure. The interested parties, including public administrations and relevant regulatory authorities to this initiative, are invited to provide their comments by **April 10 2019**.

The relevant questionnaire of this public consultation can be found under:

https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2018-5660684/public-consultation_en

The implementing act(s) in question will be discussed and decided in the Communications Committee (COCOM) pursuant to Article 118 of the EECC.
