



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Electronic Communications Networks and Services

Radio Spectrum Policy Group

RSPG Secretariat

Brussels, 03 October 2018

RSPG18-032 FINAL

RADIO SPECTRUM POLICY GROUP

Commission activities related to radio spectrum policy

RSPG Secretariat, Avenue de Beaulieu 33, B-1160, Bruxelles, office BU33 7/065

Telephone: direct line (+32-2)29.21.261, switchboard 299.11.11;

E-mail: cnect-rspg@ec.europa.eu Web-site: <http://www.rspg-spectrum.eu>

Web-site CIRCABC : <https://circabc.europa.eu/w/browse/f5b44016-a8c5-4ef6-a0bf-bc8d357debcb>

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 46th meeting of the RSPG on 06 June 2018 (RSPG#46). The paper concentrates on activities which have most relevance to RSPG's scope of responsibilities.

2. POLICY DEVELOPMENTS IN THE AREA OF RADIO SPECTRUM

With regard to the inter-institutional discussions on the Commission's proposal for a European Electronic Communications Code (the Code), the Commission is pleased to report that a political agreement between the co-legislators on the European Electronic Communications Code ("the Code") and the BEREC Regulation was reached on 6 June 2018.

The texts are currently undergoing legal and linguistic finalisation. To that end, on 31 August 2018 Member States delegations were sent the English version of the Code after a legal-linguistic revision. Member States were invited to comment until 26 September on the EN version and until 5 October for the remaining official language versions. The EN version will be discussed and finalised in the experts' meeting on 10 October 2018. The BEREC Regulation will be discussed on 12 October. Thereafter, once all other language versions are revised and brought in line with the EN version, the following schedule is expected:

- The formal adoption by the European Parliament and the Council are expected in November and December respectively. Concretely, the European Parliament Plenary vote is scheduled on 14 November and the TTE Council adoption on 4 December. Signing is to take place on 12 December. Following adoption, the legal acts will be published in the EU's Official Journal, which is expected to take place in the second half of December 2018 with entry into force three days later, still in 2018.
- Member States have two years to transpose the Code into national law (with some exceptions of earlier or later application). Following the latest draft distributed by the

lawyer-linguists to the co-legislators, the BEREC regulation will also enter into force 3 days after publication, still in 2018.

The Commission is also pleased to confirm that the European 5G Observatory launched its online platform on 27 September 2018 (see: <http://5gobservatory.eu/>). The first quarterly report is available at <http://5gobservatory.eu/observatory-overview/observatory-reports/>.

As a follow-up of the 5G Action Plan the COCOM has worked on and is about to finalise a Report on the exchange of best practices concerning national broadband strategies and 5G path-to-deployment. This report is aimed at supporting the development of national 5G roadmaps and deals with specific 5G deployment challenges such as assessment of strategic priorities, access to spectrum, facilitating small cell deployment, 5G opportunities for public uses, and facilitating the public financing of 5G services.” The Committee will finalise the report on 9 October 2018. The final version will be published shortly thereafter.

3. HARMONISATION AND TECHNICAL IMPLEMENTATION ACTIVITIES

Since RSPG#46, there has been one meeting of the Radio Spectrum Committee on 11-12 July 2018. The following issues were discussed:

IoT in unlicensed spectrum in the 874-876 MHz and 915-921MHz bands

The Commission presented a revised Draft Commission Implementing Decision on the harmonisation of radio spectrum for use by short-range devices within the 874-876 and 915-921 MHz frequency bands (RSCOM17-60rev3) as well as its corresponding explanatory document (RSCOM18-22). The previous version of the Decision was already well advanced and all changes made were based on feedback from Member States or a result of the legal verification process. Hence, after short discussions and no further changes the Commission invited the Committee to express its opinion on the Draft following the examination procedure. The Committee gave its positive opinion based on a qualified majority and the

Draft Implementing Decision will be adopted by the Commission in due time. While the Measure harmonizes spectrum for short-range devices for advanced IoT applications including RFID, it also establishes a spectrum strategy towards the future use of the bands by preventing further fragmentation in the bands and hence balances all the different interests expressed by Member States and stakeholders (IoT, RFID, railway and military communities).

5G conditions for certain EU-harmonised bands

The Commission services presented a draft mandate to CEPT (RSCOM18-19) on the development of harmonised technical conditions suitable for 5G in the 900 MHz, 1800 MHz, 2.6 GHz and the paired terrestrial 2 GHz frequency bands. The Mandate received broad support from the Member States. Following some amendments a stable revised version was agreed (RSCOM18-19rev1), which will be used for the Commission's requesting the opinion of the Committee by a written procedure. The advisory written procedure ended on 5 September and resulted in the unanimous favourable opinion from the RSC. The final Mandate was sent to the CEPT on 18 September .

Mandate on Spectrum for railway

Following written observations sent by Member States, the Commission presented a revised text (RSCOM18-05rev1) of a mandate to the CEPT with the aim to identify and harmonize appropriate spectrum bands for the Future Railway Mobile Communication System (FRMCS). Main bands to be studied are 874.4-880 MHz and 919.4-925 MHz as well as 1900-1920 MHz. Further spectrum bands, for example 2290-2400 MHz, as well as use of commercial networks will also be considered. After a drafting session followed by a final editing round, document RSCOM18-05rev3 was submitted to vote and approved at unanimity by the Member States present at the meeting. It was transmitted to the CEPT on 25 July.

3.6 GHz band

The Commission presented a first 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 relevant technical conditions for next-generation (5G) terrestrial wireless systems (RSCOM18-24). The majority of Member States supported the amendment and asked for a swift approval as many of them have already auctioned or are in the process of auctioning the band. Member States were requested to send written comments in order to discuss a stable text at the next RSC meeting.

Spectrum usage below 9 kHz

The Commission presented an information document on the status of the work on spectrum usage below 9 kHz within CEPT (RSCOM18-23), following previous discussions. Given the lower limit of 9 kHz referred to in the Radio Spectrum Decision 676/2002/EC and given the fact that spectrum usage below 9 kHz is not restricted in a majority of Member States, a solution at the national level in the nine Member States concerned (cf. [questionnaire CEPT WGFM](#)) appears to be the most efficient and commensurate way forward. Hence, the Commission called on Member States to follow-up accordingly. While some time is still required to finish the work within CEPT and also for corresponding national implementations, the Committee agreed on further stock-taking the latest in March 2019.

The next meeting of the RSC (RSC#65) is scheduled for 17 October in Brussels.

3. OTHER ACTIVITIES

Study on small cells (SMART 2018/0017)

The study SMART 2018/0017 was launched to assist the Commission in implementing the requirements of Article 57 of the EECC. The Code empowers the Commission to specify the physical and technical characteristics, such as maximum size, weight and, where appropriate, emission power of small-area wireless access points (small cells) that Member States shall not be allowed to subject to any individual town planning permit or other individual prior permit¹. In other words, Member States should implement a "light deployment regime" for small cells.

The study will consult national authorities in order to collect and analyse the existing definitions/categories of small cells, identify any specific regulatory regimes and assess their impact. At a later stage, and after the public consultation², the study team will identify elements of the above mentioned "light deployment regime" for small cells in the Union and estimate the costs and benefits that can be expected from this regime for the development of the 5G ecosystem. The duration of the study is foreseen to be 9 months, starting from July 2018. A stakeholder workshop will take place on 22 November 2018 as part of the study.

¹ The exemption does not cover the authorisation regime applicable for the use of the relevant radio spectrum.

² The Public Consultation will most likely be launched before the end of 2018