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RADIO SPECTRUM POLICY GROUP

5th Progress Report of the RSPG Working Group on WRC-19

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The Group met twice since the 44th RSPG plenary and worked on the following issues:

1. Consideration of the impact of the recent decisions by the ECJ relevant to ITU WRC;
2. Continuation of the development of the draft Opinion;
3. Review of the RSPG Opinion on the Preparation of ITU-R World Radiocommunication Conferences (RSPG09-294)

Representatives from Greece, Germany, Ireland, Luxemburg, The Netherlands, the United Kingdom, Sweden, Finland, France, Denmark, Hungary and the European Commission participated actively.

1.

The Group took note of the Judgement of the European Court of Justice annulling the Conclusions of the Council on WRC-15 and clarifying the applicability of Art. 218 (9) TFEU on the ITU WRC. The Group considered thoroughly consequences of that decision. It was noted that some amendments in the draft Opinion are necessary to provide substantial advice to the Commission noting that the Commission has the right to propose elements for an EU position to the Council. The Group's considerations with regards to the draft Opinion on WRC-19 resulted in a categorisation of each identified Agenda item for which a common policy approach is desirable: Case A) Where an EU position is required as common rules may be affected by decisions of WRC-19; Case B) where an EU position is desirable, but WRC decision may not affect common rules; Case C) where other common policy approaches are required to support EU policy. With that understanding the Group amended the draft Opinion and categorised each identified Agenda item.

Furthermore and in line with the Work item, the Group considered the need to review the existing RSPG Opinion on the Preparation of ITU-R World Radiocommunication Conferences (RSPG09-294). It was concluded that a supplementary Opinion on EU coordination for WRC would be sufficient to address the changes in the preparation towards a WRC (see 3. below)

2.

The Group considered also the requests from RSPG#44 and considered further the elements on Agenda item 1.7, 1.8, 1.9, 1.10 and 1.14:

Regarding the Agenda Item (A.I. 1.7) on spectrum for short duration space missions the Group noted the decision by RSPG to keep this Agenda item in the draft Opinion. Noting also that there is no EU common rule applicable, but a general support of EU space policy to this Agenda item, the Group considered the need to have a common approach for Agenda item 1.7.

Regarding Agenda items with relevance to maritime communication and the International Maritime Organisation (IMO), the Group considered the legal relation between EU positions on IMO meetings by the Council and their relation to WRC decisions. In particular the categorisation of Agenda items 1.8 and 1.9.2 have been intensively discussed. The representative of the European Commission outlined that decisions of the IMO have a direct effect on the decisions by the ITU WRC, as IMO decisions on international maritime

regulation were directly implemented into EU law as necessary. Some Member States outlined that IMO and ITU are two different international organisations with different objectives and that international maritime regulation are not subject of ITU. The Group will continue its consideration at its next meeting but would appreciate any guidance of the RSPG plenary.

Agenda item 1.10 on the Global Aeronautical Distress and Safety System (GADSS) have been included in the draft Opinion. The Group started to develop relevant background information and collect information regarding relevant EU policies. It was noted that the aviation community within Europe (Eurocontrol) and globally (ICAO) concluded already that there is no necessity to amend the Radio Regulation regarding new spectrum bands and associated usage provisions on GADSS.

3.

The Group considered as outlined under 1. the need to review the existing RSPG Opinion 09-294. The general description of the preparatory process was found to be still the same. Only the description of the role of the EU including its preparatory process in the main part of the Opinion and some of the RSPG recommendations related to this preparation was identified to be outdated. The Group considered also the possible available time for this review activity and concluded therefore that a complete revision may not be possible. Therefore the Group decided to suggest to the RSPG to initiate a work on a Supplementary Opinion on the coordination of the EU at WRC which is addressing the background of the ECJ decision, the Council decision and the EU coordination before and at WRC's. in particular for the latter the European Commission agreed to provide all necessary support and would appreciate any recommendation on the practicalities before the process for a Council decision will be initiated.

Summary

In general the development of the draft final Opinion o WRC-19 is progressing well. The updated timeline as decided by RSPG#44 is appreciated and the draft Opinion will be delivered for public consultation to the June 2018 meeting of RSPG.

The new work on the Supplementary Opinion on EU coordination is subject to the approval by RSPG#45 including the suggested timeline.

All interested Memberstates who are interested in the matter are invited to provide further comments on the current drafts and should also consider participating at the meetings of WG WRC-19.

Special thanks are going to all group members, the representative of the European Commission and all hosts.

The next, 8th, meeting is scheduled for 25 April 2018.

Recommended action for RSPG#44:

1. Endorsement of progress on the draft Final Opinion on WRC-19.
2. Approval of the amend Work item on the development of a supplementary Opinion on EU coordination.
3. Endorsement of the updated work item overview.
4. Noting of the 5th Progress Report.

Bonn, January 23rd

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Rapporteur