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RADIO SPECTRUM POLICY GROUP

Commission activities related to radio spectrum policy

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 40th meeting of RSPG on 08 June 2016 (RSPG#40). The paper concentrates on activities which have most relevance to RSPG's scope of responsibilities.

2. POLICY DEVELOPMENTS IN THE AREA OF RADIO SPECTRUM

Proposal for a European Electronic Communications Code

In the context of the Digital Single Market strategy for Europe, the Commission proposed on 14 September 2016 a package of initiatives including:

- a proposal for a Directive establishing a European Electronic Communications Code;
- a proposal for amending the Regulation establishing the BEREC (Body of European Regulators for Electronic Communications), to strengthen the institutional role thereof and enhance its governance structure by turning it into an agency in order to make it fit for the purpose of carrying out its future tasks under the new Code.
- a proposal for a Regulation on the promotion of Internet connectivity in local communities, with an initial budget of €120 million, to finance the installation of local wireless access points by interested local authorities to be able to offer free Wi-Fi connections to any citizen, for example, in and around public buildings, health centres, parks or squares;
- a Communication setting out a vision for a Gigabit society and new 2025 Gigabit broadband objectives; and
- a Communication setting out a 5G Action plan for Europe to foster European industrial leadership.

The proposed European Electronic Communications Code is an overhaul of EU telecoms rules contained in the existing Framework, Authorisation, Access and Universal Service Directives, but does not modify the Radio Spectrum Decision.

It aims at meeting Europeans' growing connectivity needs and boosting Europe's competitiveness, encouraging investment in very high-capacity networks and accelerating public access to Wi-Fi. In the area of spectrum, the Code intends to:

- reduce persisting divergences between regulatory practices across the EU in the area of radio spectrum wireless communications;

- create an investment-friendly environment to support 5G; more predictability and legal certainty throughout the EU;
- increase spectrum use efficiency; and
- promote more consistency in the EU and subsidiarity.

The Directive and Regulation proposals will now be subject to the ordinary legislative procedure and examined by the European Parliament and by the Council.

All texts are available at: <https://ec.europa.eu/digital-single-market/en/connectivity-european-gigabit-society>.

3. HARMONISATION AND TECHNICAL IMPLEMENTATION ACTIVITIES

Since RSPG#40 on 08 June, there have been two meetings of the Radio Spectrum Committee.

(1) The 56th meeting took place on 6-7 July 2016 and the 57th meeting took place on 5-6 October 2016, in Brussels. The following issues were discussed:

- **Implementation of EU law on spectrum:**

The Commission services presented an updated overview of the status of implementation of spectrum Implementing Decisions, which includes additional information provided by Member States as a follow-up of the last RSC meeting (RSCOM16-03rev1). While reminding Member States that this document is a factual report and does not imply any legal assessment, the Commission stressed the importance of sending official notifications. With regard to Commission Implementing Decision 2013/195/EU on the Spectrum Inventory, the Commission recalled the obligation for Member States to collect and provide available data about all frequency bands within 400 MHz and 6 GHz range by 31 December 2015 and provided clarifications about handling the implementation and notification of this particular Decision.

The Commission submitted a questionnaire to the RSC members and observers (RSCOM16-33rev1) on the implementation of Commission Implementing Decisions 2014/276/EU amending 2008/411/EC on the 3.4-3.8 GHz frequency band and (EU) 2015/750 on the 1452-1492 MHz frequency band, with a deadline of 1 September 2016. The Commission uses the collected data to monitor the status of implementation

at EU level, including cross-border frequency coordination issues with non-EU countries and usage conditions to protect incumbent services.

Member States' replies were summarised in document RSCOM16-39, presented at the 57th meeting. The Commission will take into account additional information from Member States received after the meeting and publish the revised document in November 2016. The Commission services will continue to monitor the status of implementation of these two Decisions.

- **MCA:**

The Commission presented a discussion document (RSCOM16-18) on the approach to revising the Commission Implementing Decision on MCA (2008/294/EC amended by 2013/654/EU), in the light of the preliminary results of the draft CEPT Report 63 (in public consultation). There was general agreement that the current deadline of 1 January 2017 in Article 2 of Decision 2013/654/EU was not necessary, if the preliminary results in CEPT Report 63 are confirmed, and Member States encouraged the Commission to amend the implementing decision quickly. A discussion took place on the proportionality of requiring an NCU for preventing mobile terminals from connecting to terrestrial mobile networks.

An agreement with broad support from the Member States was reached on the text of a draft Commission Implementing Decision amending Commission Decisions 2008/294/EU and 2013/654/EU, presented at the following meeting. A vote is expected as soon as possible.

- **MCV:**

The Commission services presented a Draft Commission Implementing Decision amending Decision 2010/166/EU on harmonised conditions of use of radio spectrum for mobile communications on board vessels (MCV services): RSCOM16-20. In an explanatory document (RSCOM16-21) the background on this draft was given and the

discussion focused on the technical annexes which incorporate the main substantial elements of the CEPT report 62 (RSCOM16-22).

There was a high acceptance from Member States on this subject and only minor adjustments to adapt the scope of the decision were subsequently.

On the basis of the conclusions of CEPT Report 62, the draft Commission Implementing Decision amending Commission Decision 2010/166/EU on Mobile Communications on board Vessels aims at adding conditions covering UMTS and LTE technologies to the existing conditions covering GSM technology. A stable text was achieved with broad support from the Member States and a vote is expected at the next RSC on 7-8 December 2016.

- **SRD:**

Following its presentation of CEPT Report 59 on the 6th update of the SRD Decision, the Commission expressed the need to clarify the actual added value for industry stakeholders of some of the recommendations contained in the Report, in particular for certain bands and categories, which seem to go against the policy principle of avoiding application specific frequency designations, agreed previously. The Commission argued that any change to the SRD Decision in force could lead to uncertainty for industry and therefore the proposed changes and additions should be clearly justified in terms of the added value they bring.

The Commission raised a number of specific questions to the RSC and CEPT for discussion and possible clarification. After receiving the feedback of the RSC and CEPT on the specific questions put on the table, the Commission services presented a Draft Implementing Decision for the 6th update of the SRD decision based on the corresponding CEPT report. The Commission's proposal includes all recommendations made by CEPT that affect conditions and restrictions for access to the relevant frequency bands. In some cases the Commission decided to keep existing terminology for categories of SRD devices. In these cases the commission services were not convinced of the added value of making a change to terminology as proposed by CEPT, in light of agreed principles and the importance of maintaining legal

certainty and stability for stakeholders. It was noted that the bands 870-876MHz and 915-921MHz are currently under discussion within CEPT in preparation of an addendum to the above mentioned report. Discussions will continue at the December meeting.

- **2.3-2.4 GHz band:**

At the 56th meeting the JRC presented the preliminary findings of the on-going Study on Coexistence between 2.3 GHz TD-LTE and 2.4 GHz Wi-Fi.

Both ETSI and CEPT recognised the value of the on-going study and encouraged the Commission and the JRC to submit the findings as soon as possible to them. Some Member States expressed concerns about the process and inquired how the JRC results would be treated in light of a possible Commission Implementing Decision on the 2.3-2.4GHz band. The Commission invited CEPT and Member States to reflect on the preliminary results of the JRC study and to make inputs, as appropriate, to the next RSC meeting. Member States were also invited to give updates on national LSA trials at the next meeting.

Based on the discussion the Commission also proposed that the status of services like Wi-Fi, that have high economic and social value although they have a low level of protection, be discussed by the RSPG within the forthcoming discussion on IoT and 5G.

The final report of the Joint Research Centre (JRC) study was presented at the October meeting. The study had been performed on a broad variety of typical Wi-Fi devices. In the absence of a guard band between the two bands, 25% of home Wi-Fi networks operating in the lowest part of the Wi-Fi band could be susceptible to performance degradation from LTE user equipment. Taking into account the probability that WiFi equipment actually uses the lowest Wi-fi channel, 5-8% of all home Wi-Fi networks are likely to be affected. The extension of the study on Assistive Listening Devices (ALDs) using Bluetooth will be available in December 2016.

Since the introduction of LTE in the 2.3-2.4 GHz band is under discussion in the context of the Licensed Shared Access (LSA) framework, several Member States also reported on their on-going or planned activities concerning a possible LSA setup. While experimental results with LSA were positive, there was currently limited interest from mobile operators to use the band with existing users on a shared basis. The Commission encouraged Member States to gain more experience with LSA to make the technology more mature for future application scenarios.

- **2.7-2.9 GHz frequency band**

CEPT Report 61 on "Harmonised compatibility and sharing conditions for video PMSE in the 2.7-2.9 GHz frequency band taking into account radar use" which was approved by ECC on 17 June 2016 (RSCOM16-27) was presented to the RSC. The Commission services introduced working document RSCOM16-26 giving an overview of the current/planned use of the 2.7-2.9 GHz frequency band at national level, based on written contributions provided by Member States. On the basis of questions included in the working document, Member States shared views on whether a harmonised approach on the 2.7-2.9 GHz frequency band would be beneficial and what an appropriate framework for an implementing decision would be. All Member States taking the floor stressed the need for a case-by-case approach to be adopted when issuing individual licences for using video PMSE applications. The widely shared conclusion by Member States is that a high level of flexibility would be needed, due to the technical parameters to be taken into consideration and the extensive differences in the Member States which limit the geographical areas where video PMSE applications can be used e.g. in football stadiums. It remained unclear if there were enough elements for a harmonised approach that can provide adequate positive benefits, in light of the substantial national flexibility needed for making shared use possible in the 2.7-2.9 GHz frequency band. Further considerations are necessary.

Working document RSCOM16-43 on the "next steps on a shared use of the 2.7-2.9 GHz band" contains an overview of the replies provided by Member States to the questions regarding a shared use of the 2.7-2.9 GHz band by video PMSE applications (RSCOM16-26). The Commission noted a wide range of views on the usefulness of having a Commission Implementing Decision harmonising the use of the 2.7-2.9 GHz

band by video PMSE applications. Given that Member States require a high level of flexibility in defining technical conditions enabling the coexistence between PMSE video applications and radars at national level, the Commission services do not currently see enough scope for a harmonisation measure in the 2.7-2.9 GHz band. A review of this scope is planned for 2017, after the finalisation of the planned RSPG Opinion on a long-term strategy on spectrum requirements facing the future needs and use of wireless audio and video PMSE applications. Member States were invited to discuss in the context of the RSPG whether a shared use of the 2.7-2.9 GHz band by video PMSE should be part of the long-term spectrum strategy for PMSE.

- **5G:**

The Commission services presented a draft Mandate to CEPT (RSCOM16-40) on the development of harmonised technical conditions in the Union for next-generation (5G) terrestrial wireless systems in EU-harmonised frequency bands and in frequency bands above 24 GHz. A general discussion on the scope of the Mandate and its schedule took place. It concentrated on focussing the scope of the Mandate and its alignment with the draft RSPG opinion on 5G spectrum, in particular on pioneer bands. It was decided that the Commission services will submit a revised version of the Mandate based on which further comments will be solicited from RSC members and observers.

3. WORKSHOPS AND OTHER ACTIVITIES

Launch of the QoS data collection campaign of Mapping Broadband Project & II Stakeholder Workshop

The European Commission has recently launched a [project](#)¹ to [map fixed and mobile quality of broadband services in Europe](#)². This tool consists of an interactive online mapping application that aggregates and visualizes various dimensions of quality of service delivered by broadband networks (fixed and mobile) in the European Union.

After the presentation of the mapping application in the consultation workshop of the 7th and 8th of June 2016 which gathered Member States Ministries and NRAs, we are now entering the data collection campaign. This campaign will consist in the visualisation of homogeneous data sets in a public and in a more expert (restricted access) interfaces.

¹ Project site: <https://www.broadbandmapping.eu/>

² <https://ec.europa.eu/digital-single-market/en/news/mapping-broadband-services-europe-smart-20140016>

The results will be presented at the forthcoming consultation workshop scheduled for the [12th and 13th of December 2016](#) where Ministries and NRAs have been invited to attend.

Launch of a study on spectrum assignment in the European Union

The European Commission in October 2016 has launched a study to complement the work already undertaken for the revision of the regulatory framework and for the 5G action plan. This study aims to provide additional material to the Commission to prepare for more specific accompanying measures which might be required to further develop the more general provisions in the code, in particular to facilitate deployment of 5G networks. The Commission also expects that the study's results will be directly applicable by national administrations responsible for spectrum management.

The study should last 9 months; the current study planning foresees an interim report in Q1 2017 which will provide the results of most of the data gathering exercise with potentially enough to draw some initial ideas and guide the subsequent analysis part. The final report is expected in the spring next year. A presentation to the RSPG by the study consultants is planned for either the February or the June plenaries.