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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 43rd meeting of the RSPG on 06 June 2017 (RSPG#43). 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 institutional discussions on the Commission's proposal for a European Electronic Communications Code, the European Parliament's ITRE Committee has now adopted a report and COREPER finalised a negotiation mandate for the Estonian Presidency since the last RSPG meeting in June 2017. The co-legislators have now therefore started the inter-institutional negotiations, beginning already with discussions on spectrum-related aspects. The objective of these trilogues is to reach a political agreement by April 2018

On the 25th October 2017, the European Court of Justice issued a ruling in case C-687/15 concerning the conclusions of the Council of the European Union concerning the World Radiocommunication Conference 2015 and the interpretation of Article 218.9 of the TFEU.

3. HARMONISATION AND TECHNICAL IMPLEMENTATION ACTIVITIES

Since RSPG#43, there have been two meetings of the Radio Spectrum Committee on 12 July (RSC#60) and on the 18-19 October (RSC#61). The following issues were discussed:

At the 60th meeting:

- **Ultra Wideband (UWB):**

The Commission presented a Draft 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. The amendment became necessary since two European harmonized standards with two parts each (EN 302 435-1/-2 and EN 302 498-1/-2) had been superseded by a new European harmonized

standard (EN 302 065-4); hence the references to these standards within the Decision had to be updated. The Member States unanimously expressed their positive opinion on the Draft Implementing Decision. The Decision was adopted by the Commission on 4 August ([see link](#)).

- **Short Range Radar (SRR) at 24GHz:**

The Commission presented a proposal in order to alleviate the administrative burden weighing on Member States, in the area of short range radars at 24 GHz mounted on vehicles. The current legal regime, deriving from Decision 2005/50/EC, imposes an annual reporting obligation on national administrations in order to monitor the threshold set in the decision and thus the potential for interference. Noting the absence of any interference and the transition of short range radars to another frequency band, the Commission proposed the reporting should only take place at the request of the Commission. Generally, Member States reacted positively to this proposal. After the positive examination procedure in the committee the Commission adopted the amending decision on 10 November 2017 ([see link](#)).

- **900 and 1800MHz bands:**

The Commission presented a draft Mandate to CEPT (RSCOM17-22) to review the harmonised technical conditions for wireless broadband electronic communications services in the 900/1800 MHz bands with a focus on their suitability for the Internet of Things (IoT) applications, and in support of 5G terrestrial wireless systems. RSC Members overwhelmingly supported reducing the scope of the mandate to IoT applications with a short timeframe of deliverables, and postponing tasks on 5G aspects to a separate (follow-up) mandate linked to standardisation and market developments. The Commission services revised the draft Mandate. Following a unanimous positive opinion of the RSC, the revised Mandate (RSCOM17-22rev1) was adopted and sent to CEPT. The final CEPT report in response to the Commission mandate is planned for March 2018.

- **Short Range Devices (SRD) – 6th Update:**

The Commission presented a final Draft Implementing Decision for the 6th update of the so-called Short-Range Devices (SRD) Decision 2006/771/EC based on the stable text agreed during the previous meeting and incorporating editorial changes following Commission-

internal feedback. The Member States unanimously expressed their positive opinion. The Decision was adopted by the Commission on 8 August ([see link](#)).

This 6th update of the SRD Decision implements most proposals made in CEPT Report 59 as well as two new entries for networked SRDs in the existing bands 863-868 MHz proposed in the Addendum to CEPT Report 59 and hence introduces – amongst others – new bands for improving patient care (Medical Body Area Networks) and new bands for IoT applications and integrates existing legislation pertaining to the RFID Decision 2006/804/EC. Further proposals for networked SRDs as well as RFIDs in the bands 870-876 and 915-921 MHz (not harmonized for SRDs on the EU level so far) are still under discussion and subject to a possible separate decision as described below.

- **Short Range Devices (SRD) – 7th Update:**

The Commission presented a draft for a guidance letter for the 7th update of the Short-Range Device (SRD) Decision 2006/771/EC. Based on written feedback received from Member States after RSC#60, the meeting endorsed the document at RSC#61. The guidance letter was sent to CEPT and starts a new update cycle lasting until March 2019.

- **IoT: 870-876 and 915-921MHz bands:**

The Commission gave a summary of a workshop on “Efficient use of spectrum in the bands 870-876 and 915-921 MHz by Internet of Things (IoT) and railways” on June 19 to which Member States representatives as well as stakeholders from the RFID, IoT and rail communities had participated: the workshop showed the importance that all stakeholders (RFID, IoT and rail alike) attach to a harmonisation of the future use of the bands. At the workshop it was agreed that stakeholders should further study until 22 September 2017 under which conditions it would be feasible to make available 2x1.4 MHz (instead of 2x3 MHz) for the extension of the current railway spectrum, and thus make some spectrum available for RFID and possibly also IoT.

The two meetings discussed main elements (such as recitals and articles) of a possible Decision on the bands 870-876 and 915-921 MHz as well as text options for moving forward. The RFID and IoT communities generally support moving ahead with the proposal from the Commission, while the rail community raised concerns and asked to delay any decision until mid-2018 in order to undertake further urgent studies. The meeting consequently discussed how to cope with the complex situation in the bands in which the already existing fragmentation will only increase rapidly with time, in the light of the timing mismatch between the RFID and IoT communities ready for implementation with a perceived high market momentum versus the railway community still in the study phase. The Commission also explained the mechanisms foreseen in the proposal to enable geographical sharing between RFID and IoT and a possible national extension of GSM-R subject to national decisions and pointed to the difficulty to converge towards a reservation of spectrum for a harmonized extension of the already existing GSM-R bands for FRMCS significantly bigger than 1.4 MHz given the diverging positions of Member States ranging from 3 MHz to no extension at all.

Based on the Commission input the meeting also discussed on the way ahead whether to aim at a stable text for a Draft implementing Decision already at the next meeting in December as supported by some Member States or wait for further studies from the railway side and then move ahead at the meeting in July 2018 as supported by other Member States. In order to progress, Member States focussed on relevant questions regarding use by railways that a) could be answered by July 2018 at the latest and b) need to be answered specifically in relation to the draft Implementing Decision. Results will be discussed at the RSC meeting in December.

ITS

The Commission proposed a draft mandate to CEPT on the extension of the safety-related ITS band (from 5875-5905 MHz to 5875-5925 MHz) and the inclusion of urban rail (Communication Based Train Control) in the definition of safety-related ITS and inclusion inside that extended band. This is a subject of interest in consideration of forthcoming ITS deployment (Connected Cooperative and Automated Mobility). Some Member States submitted written observations which were discussed during the meetings.

Taking into account the final comments of the MS made during RSC#61 the text of the mandate to CEPT was revised and adopted. The final report from CEPT is expected by March 2019.

- **RLAN in the 6 GHz band**

RSC#61 discussed a possible new initiative aimed at increasing the amount of spectrum available for RLANs. A first preliminary discussion took place on the draft Mandate to CEPT on RLAN in the 6 GHz band. There was general support for a Mandate to CEPT. However, there were different views on the scope, i.e. the size of the band to be studied (5925-6425 MHz; 5925-6725 MHz or even 5925-7125 MHz). Comments were also made on the timing of the Mandate in relation to the planned schedule of CEPT work on developing harmonised usage conditions for RLAN in the 6 GHz band. Furthermore, it was noted that sharing of spectrum with incumbent users in 6 GHz will be different from the case of RLAN in 5 GHz. The Commission will prepare a revised draft of the Mandate for RSC meeting in December following written comments by Member States.

- **1.5 GHz band**

The Commission presented for discussion an initial draft of an implementing Decision amending Decision (EU) 2015/750 on the basis of the anticipated CEPT report 65 which is to be finished this November. There was general support on the approach of the amendment, but questions still need to be clarified with regard to the formulation of some elements, e.g. the flexibility of Member States to use parts of the extension bands for existing military use or fixed wireless access as well as the formulation of the CEPT results in the annex to the decision. The Commission Services are collecting Member States comments with the aim of discussing a revised draft at the next RSC in December.

NEXT RSC MEETING

RSC#62 is scheduled for 6 and 7 December 2017 in Brussels.

3. WORKSHOPS AND OTHER ACTIVITIES

On 5 September 2017 the Commission organized a **workshop on short range communications in the 5.9 GHz (ITS) band**. The workshop facilitated an exchange of views based on presentations from ACEA, 5GAA, C-ROADS and C2C-CC.

The workshop was not able to agree on any final text as a deliverable, yet it provided a platform for sound discussions with a focus on safety related cooperation needs among OEMs and with road authorities as well as on the use of spectrum in the 5.9 GHz and 3.4-3.8 GHz ranges.

Publication of the Study on Spectrum Assignments in the European Union (SMART 2016/0019)

The Commission services have published the Study on Spectrum Assignments in the European Union conducted by LS telcom, PolicyTracker and VVA.

The study has determined that both regulators and mobile operators would generally prefer to continue adopting the current approach to spectrum authorisation and assignment. In contrast, industrial sectors (so-called 'verticals') consider any licensing approach as favourable as long as their quality of service requirements can be satisfied and their long investment timescales can be supported.

The grouping analysis indicates that overall, countries which adopted a group of network investment-friendly practices when assigning spectrum, namely low reserve prices; well-designed coverage objectives and long licence lengths, exhibited more positive market outcomes, namely wider network roll-out; better quality and choice of services; higher take-up of services and greater competition. A notable observation from the analysis is that longer licence lengths lead to higher network CAPEX figures and, therefore, the observed tendency towards shorter licences is a matter of concern. In addition, low reserve prices are shown to be linked to better 4G network availability, taken as a proxy for network rollout.

Moreover, the four-fold future scenarios analysis emphasizes that it is essential to ensure the use of "a range" of authorisation and assignment approaches to unlock some new use cases and to achieve the full benefits, whilst supporting Digital Single Market objectives. In

addition, these benefits would be strengthened if a pan-EU approach to certain elements is taken.

More information will be available on:

<https://ec.europa.eu/digital-single-market/en/news/wide-range-spectrum-authorisation-approaches-will-help-achieve-full-benefits-future-5g-use>

Study on using millimetre waves (mm-waves) bands for the deployment of the 5G ecosystem in the Union [\(SMART 2017/0015\)](#)

The 26 GHz band is a millimetre-wave (mm-wave) band planned for early harmonisation in support of European spectrum priorities regarding 5G deployment. Further mm-wave bands are under consideration for 5G use in the context of WRC-19. In this regard, the European Commission launched on 22 June 2017 a call for tenders to carry out a study on using mm-waves bands for the deployment of the 5G ecosystem in the Union (SMART 2017/0015). The study will focus on the particular benefits of mm-wave bands – with initial focus on the "pioneer" 26 GHz band – to build a vibrant wireless ecosystem, including hybrid systems, and explore economic outcomes in the delivery of innovative 5G services to citizens.

The evaluation of tenders is ongoing and the duration of the study is foreseen to be 12 months, as of signature of the contract. A stakeholder workshop is likely to take place in early 2018 as part of the study.
