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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 15th meeting of RSPG on 27 February 2008. The paper includes only activities which have a relevance to RSPG's scope of responsibilities, in particular activities which may influence priorities in the RSPG work programme. It also contains a brief update on the Review of the regulatory framework for electronic communications and on ongoing studies.

2. HARMONISATION AND TECHNICAL IMPLEMENTATION ACTIVITIES

Since the last RSPG meeting the following initiatives should be noted. They mainly relate to the 22nd meeting of the Radio Spectrum Committee which was held on 12-13 December 2007, but also to some COCOM activities including its subgroups (e.g. AUTH).

- **WAPECS:** In line with the WAPECS concept of an overall flexible approach in spectrum management, several important dossiers have moved forward:

2500-2690 MHz frequency band: RSC demonstrated its strong support for the draft Decision submitted by the Commission by giving it a positive regulatory opinion without modifications.

3.4-3.8 GHz - Broadband wireless access (BWA): Following a written procedure for the RSC regulatory opinion in March 2008, the adoption of a Decision by the Commission took place on 21 May 2008.

900 MHz and 1800 MHz: The proposal for a Directive of the European Parliament and of the Council repealing Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular land-based mobile communications in the Community, has met concern in the EP. Although there is no disagreement in substance, the EP believes that the proposal to repeal of Council

Directive 87/372/EC could undermine the legislative powers of the Parliament. The Commission is currently in contact with both the Council and EP to explore alternatives that would rapidly find the support of both the EP and Council. One possible avenue is the modification of Council Directive 87/372/EC in such a way that it gives a political signal that the 900 MHz band will be opened to other technologies, while keeping the already agreed Commission Decision as a means to ensure the technical compatibility and effective updating in accordance with the procedures of the Radio Spectrum Decision.

WAPECS Recommendation: A favourable advisory Opinion on the Recommendation was given by the COCOM on 13 March 2008. The formal Commission adoption procedure is now underway.

- **Mobile Communications onboard Aircrafts (MCA):** Following a favourable regulatory opinion by RSC the Decision was adopted on 7 April 2008. Following the advisory opinion of the Communications Committee, a complementary Recommendation on MCA authorisation was also adopted on the same date.
- **SRD (annual review cycle):** the Commission Decision amending the SRD Decision 2006/771/EC, was adopted on 23 May 2008, following a favourable RSC regulatory opinion. In line with the provisions of the Decision, a new cycle of the update was also launched at RSC 22, expected to be finalised by the end of 2008.
- **Ultra-Wideband (UWB):** A first draft of a measure amending Commission Decision 2007/131/EC on UWB was briefly discussed at RSC#23 following CEPT's supplementary report on UWB activities and technical clarifications regarding GPR/WPR and BMA .A more detailed discussion will take place at RSC#24.
- **MSS at 2 GHz:** The proposal (COM(2007) 480 final) for a Decision of the European Parliament and of the Council on the selection and authorisation of systems providing mobile satellite services (MSS) has passed the first reading in the European Parliament on 21 may 2008. Council will then adopt or further amend the Decision. The Commission will prepare a call for applications to be launched for interested candidate operators,
- **Intelligent Transport Systems:** A regulatory Opinion on the Draft Decision ha been submitted to the RSC for written procedure with possible adoption of the Decision in mid-2008.
- **Update of Decision (2005/928/EC):** there was broad support for a limited technical amendment of the existing Decision in the light of requests by industry concerning the channel width for hearing aids and other wireless systems. The procedures to amend the Decision will be finalised by the Commission before RSC#24, including an RSC regulatory opinion by written procedure.
- **Mobile Communications onboard vessels:** The Radio Spectrum Committee has supported the Commission's proposal to explore a harmonised approach on MCV. A mandate to CEPT will be adopted at RSC #24
- **Digital dividend:** The Radio Spectrum Committee gave a positive advisory opinion on a new mandate to CEPT. The mandate emphasises the primacy of the on-going political

process on the digital dividend while focussing activities on the 790-862 MHz band agreed at the WRC-07 conference.

3. STUDY ACTIVITIES

The **Study on Optimising the use of the radio spectrum by the public sector in the European Union** is under elaboration by a the consortium led by the company wik-Consult GmbH (wik-Consult GmbH, Aegis Ltd, IDATE).

A public workshop took place on 1st April 2008. The public presentation of the final results of the Study will take place in October 2008 in Brussels.

The Commission services have also finalised the terms of reference for a **study on the socio-economic impact of the digital dividend**. The call for tenders is pending approval of the internal control board.

4. OTHER COMMISSION ACTIVITIES

Legislative Progress on the Review of the Regulatory Framework for Electronic Communication Services

The European Parliament ITRE Committee expects to adopt its Report in the Better Regulation Directive before the summer break. The supporting Opinions from other Committees (CULT, ECON, LIBE, JURI, IMCO) are now being adopted. Following the ITRE adoption, the plenary will finalise the first reading of the legislative proposal in Parliament and it will subsequently be forwarded to Council.

Digital dividend policy

The Commission services continued to be involved in the two main tracks of activities ongoing in other institutions, namely:

- the preparation of the Council Conclusions on the digital dividend, which are due to be adopted at the 12 June meeting of Telecom Ministers;
- the development of the European Parliament's report on the Communication on the digital dividend. This task is handled primarily by the ITRE committee but was also intensely debated in several other Parliamentary committees these last two months. The draft report developed by MEP Mrs Toia has been presented to the ITRE committee on 27 May and enters now the phase of amendments. The final adoption by the European Parliament in plenary is tentatively scheduled for 1 September.