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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 18th meeting of RSPG on 11 February 2009. 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. DIRECTIVES AND REGULATIONS

On Wednesday 6 May, the European Parliament votes on the revision of the regulatory framework following intense negotiations with the Council of Ministers. The package should subsequently be adopted by Council. As already indicated to the RSPG, the proposal for a multi-annual spectrum policy programme is included in the final package and it is expected that this multi-annual programme will require a significant input from the RSPG. EP and Council will also be able to ask for reports from the RSPG. This increased role of the RSPG will require a modification of the RSPG Commission Decision 2002/622/EC.

On the same day the revised GSM Directive will be voted by the EP. The Directive enables the use of the 900 MHz band by UMTS in addition to GSM. Future technologies compatible with GSM can also be introduced through the mechanisms of the Radio Spectrum Decision. The related Decision under RSD has already received a favourable opinion and will be adopted by the Commission in parallel to the adoption of the new Directive.

3. HARMONISATION AND TECHNICAL IMPLEMENTATION ACTIVITIES

Since the last RSPG meeting, the following activities should be noted:

- **Monitoring and enforcement of the implementation of Commission Decisions:** An exchange of views on several legal aspects of the monitoring of implementation took place between the Member States and the Commission services. The RSC delegates were informed about the adoption by the Commission of the 14th report on the implementation of the electronic communications regulatory framework¹, which also contains information on the implementation of spectrum harmonisation Decisions. A presentation was given by the ERO about the current stage of development of the EFIS database. A written status report by ERO on spectrum information in EFIS database as of March 2008 was presented to the RSC.
- **Implementation of past Commission Decisions:** The Commission services summarised the replies to questionnaires provided by Member States following RSC#26 as regards the implementation of the six Decisions adopted in 2008. A usual update on the state of implementation of Commission Decisions adopted between 2004 and 2007 was also given to the RSC.
- **Short-range devices (SRD):** The RSC gave a favourable opinion under the regulatory procedure to the second amendment of the Commission Decision 2006/771/EC. Consequently the Commission services will launch a formal procedure leading to the adoption of the amended Decision on SRD by the Commission. The representative of ETSI confirmed the adoption by ETSI of the Harmonised standards for 60 GHz wideband data transmission systems and for 17 GHz radio determination systems which are relevant for allocations contained in the draft Decision.
- **3400-3800 MHz band, first experiences with the implementation of Decision 2008/411/EC:** The representatives of satellite and wireless terrestrial industries were invited to present their views on the use of the 3.4-3.8 GHz band following the entry into force of the Decision 2008/411/EC. The representatives of the satellite industry conveyed their uncertainty as to the future use and asked for an effective protection of fixed-satellite services (FSS) in the band 3.4-3.8 GHz. The terrestrial industry noted the positive impact of and their full support for the EC Decision. A number of RSC delegates felt that the provisions of the EC Decision did not need change, but asked the Commission to develop guidelines concerning their effective implementation. Furthermore, it was concluded that a better understanding of the actual existing use by FSS Earth stations with a clear indication of the licensed frequencies at national level (both above and below 3800 MHz) would allow for an adequate protection of the relevant sites in an environment of coexistence.
- **Mobile Communications onboard vessels (MCV):** A first discussion took place on the elements for a draft EC Decision on harmonised spectrum usage conditions for mobile communications on-board vessels (MCV) submitted by the Commission. The representative of CEPT presented the draft final CEPT report, which is still subject to public consultation, in response to the EC Mandate on MCV.

¹ http://ec.europa.eu/information_society/policy/ecomm/library/communications_reports/annualreports/14th/index_en.htm.

- **Ultra Wide Band (UWB)**: Following the positive result of the regulatory opinion by the Radio Spectrum Committee, *Commission Decision 2009/343/EC of 21 April 2009 amending the Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonized manner in the Community* has been officially adopted and subsequently published in the official journal (OJ L 105/9, 25/04/2009)².
- **Short Range Radars (SRR)**: The Commission informed the RSC about the results of the Call for Input for the fundamental review of EC Decision 2005/50/EC. The representative of CEPT informed the RSC about the Interim Report from CEPT on Part 1 of the new EC Mandate on SRR.
- **WAPECS**: The RSC members discussed elements for two draft EC Mandates to CEPT on the 900/1800 MHz and the 2 GHz bands. While there was broad support for both mandates in principle, it was agreed that the Commission would continue the preparation of the Mandates following comments made by Member States at the RSC#27 meeting.
- **Digital Dividend**: The CEPT representative presented two draft reports which constitute a part of the response to the 2nd mandate on the Digital Dividend. The Commission services provided CEPT with comments on the draft reports. The Commission also briefed the RSC about the current state of the EC Study on "Exploiting the Digital Dividend", a European Approach.
- **Mobile Satellite Systems (MSS) at 2 GHz**: The four admissible applications - submitted by Inmarsat Ventures Limited, Solaris Mobile Limited, ICO Satellite Limited and TerreStar Europe Limited - were assessed in the first selection phase on the basis of the technical and commercial development of the proposed MSS systems. A Commission decision on this first phase is still expected by the end of May 2009.

4. STUDY ACTIVITIES

The Commission study on the digital dividend by Analysis Mason has completed the data collection work and desk research part of the work. The study has also already conducted two important consultations, the stakeholder's hearings and the first Member States workshop. The focus is now on the social and economic analysis work and on preparing the draft recommendations to the Commission which will be ready in the second quarter of 2009. The consultants are planning for a second Member States workshop during the second half of June to discuss their detailed set of recommendations and get additional feedback from Member States.

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009D0343:EN:NOT>