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Changes visible

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RADIO SPECTRUM COMMITTEE

MINUTES OF THE 28TH MEETING (RSC#28) 8 AND 9 JULY 2009

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1. OPENING AND ADOPTION OF THE AGENDA

RSCOM09-25 Final

The **Chairman** welcomed the participants and informed them about the practical arrangements of the meeting.

The final agenda (*RSCOM09-25 Final*) was adopted.

2. MINUTES OF THE 27TH MEETING

RSCOM09-24
RSCOM09-24
Changes visible

The **Chairman** informed the meeting that the draft minutes of RSC#27 had been distributed. Comments were received in writing from **France, Luxembourg** and **CEPT/ECC** and integrated into the final text. The final version of minutes (*RSCOM09-24 Final*) has been uploaded on CIRCA.

Delegations took note of the minutes of RSC#27.

3. IMPLEMENTATION OF COMMISSION DECISIONS

RSCOM08-84
Final
RSCOM09-26
RSC#28 Item 3

a) Commission paper on the legal aspects of the monitoring of implementation

The **Commission** services (Ms Hanoune) presented the final version of the Commission services document on the legal framework relevant to the implementation of spectrum harmonisation Decisions pursuant to the Radio Spectrum Decision (*RSCOM08-84 Final*). She drew the delegates' attention to the clarification of the concepts of "designating and making available" a frequency band and indicated that a simple modification of the national frequency allocation table was not sufficient to ensure a full implementation of a Commission Decision in most cases. Delegations welcomed the paper. A number of delegations stated that the deadline of implementation of six months is rather short in some cases and proposed its extension to 12 months. A fewSome delegations (France, Finland) raised the issue of the ~~link between possible implementation of~~ recitals (*whereas*) ~~which do not directly correspond to~~ and articles in the texts of spectrum harmonisation Decisions^[b1]. This is particularly relevant for the draft text of EC Decision on MCV which is currently discussed by the RSC (see agenda item 4). The delegation of the Netherlands is of the opinion that in the case of a change of designation of spectrum as a consequence of a Commission Decision and where, at the same time, it concerns a scarce spectrum resource and the assignment procedure for a licence is handled through a procedure of auctioning, the

implementation of the Decision is completed by a change of the national frequency plan. The required procedure for the assignment of the licence(s) is subsequently carried out under the regime of the authorisation directive^[b2].

b) Update on the state of implementation of Commission Decisions

A regular update on the state of implementation of Commission Decisions with a focus on Decision 2007/344/EC on spectrum information (*RSCOM09-26*) was given by the **Commission** services (Mr Brabínek). RSC delegates took note of the written status report by the ECO on spectrum information in EFIS database as of July 2009 (*RSC#28 Item3*). Following a question from some delegations on the status "up-to-date" for the implementation of 2007/344/EC on EFIS, the **Commission** services (Ms Hanoune) clarified that the status "up-to-date" was used for Member States which, according to the ECO status reports on the EFIS database, had been updating the database within a the timeframe set up by the Decision (once a year until 1 January 2010 and then twice a year).

The **Chairman** also informed the RSC delegates that the Commission services performed a detailed analysis of the information provided by Member States about the implementation of EC Decisions 2007/90/EC (5 GHz RLAN), 2008/411/EC (3.4-3.8 GHz band) and 2008/477/EC (2.5-2.69 GHz band). On the basis of the results of the analysis, administrative letters will be sent shortly to the Member States where delays in the implementation, missing information or a possible incorrect implementation have been detected by the Commission services. These letters will give an opportunity to Member States to clarify the exact situation regarding specific Decisions.

Agreed actions:

- By 13 July 2009: Member States' last opportunity to provide missing information on the implementation of EC Decisions 2007/90/EC, 2008/411/EC and 2008/477/EC (if relevant).

4. MOBILE COMMUNICATIONS ON-BOARD VESSELS (MCV)

RSCOM09-27
RSCOM09-08
COMMENTS
RSCOM09-28

The **Chairman** recalled the discussions on the first draft of the EC Decision on harmonised spectrum usage conditions for mobile communications on-board vessels (MCV) at the RSC#27 meeting. The representative of **CEPT** presented the results of the public consultation and the related consequential changes^[b3] on the draft final CEPT report in response to the EC Mandate on MCV (*RSCOM09-27*). The **Commission** services (Mr Sorsaniemi) introduced the second draft of the MCV Decision.

In general, there was widespread support for the second draft. Whilst the current version of the technical Annex was acceptable for some delegations, a number of other delegations felt that all the technical parameters should be presented in the Annex rather than in the recitals, or that at least a reference should be made in the Annex or in the Articles to the technical details

described in the recitals. The **Commission** services explained that the approach has been to include only the spectrum use related parameters in the Annex, and that it is more appropriate to describe the additional equipment related mitigation techniques only in the recitals, while noting that there might be alternative ways to achieve an equivalent level of protection. The **Commission** services agreed to consider a legally acceptable way to make a link between the Annex and the technical details in the recitals in order to make it clear that the use of such additional mitigation techniques, or alternative mechanisms, can also be imposed by Member States. The extension of the implementation deadline to 12 months was supported. The delegations also stressed the need to synchronise the work on the technical harmonisation with the authorisation-related aspects of MCV which are currently being considered by the WG AUTH of the Communications Committee (COCOM). Some Administrations, Spain among them, have indicated that they will have difficulties in applying Art 3 of the Draft Decision, on account of the fact that the full frequency bands 900 MHz and 1800 MHz have been awarded on an exclusive basis to the national mobile operators, with nation-wide coverage including the 12 NM of territorial seas^[b4].

It was agreed that the draft MCV Decision would be amended following the discussion at RSC#28 and sent to the administrations for further comments. Subsequently, the Commission will prepare a new version to be discussed at the next RSC meeting.

Agreed actions:

- By 14 July 2009: Commission to send an amended version of the draft Decision on MCV;
- By 31 August 2009: Member States to send written comments on the amended version of EC Decision on MCV.

5. SHORT-RANGE RADARS (SRR)

RSCOM09-37

A representative of the Strategic Automotive Radar Frequency Allocation group (SARA) presented the fourth annual report (*RSCOM09-37*) on the monitoring of the use of the 24 GHz frequency range by automotive short-range radars (SRR). The key finding of the report is that penetration of SRR-equipped vehicles in the EU is far below the threshold identified as potentially harmful to radio services in this band. The discussion on the review of the 24GHz SRR Decision will take place in the RSC in October 2009.

6. SHORT-RANGE DEVICES (SRD)

RSCOM09-29

RSCOM09-45

The **Chairman** thanked the CEPT for the report on the third update of SRD Decision which was delivered to the Commission in response to the permanent SRD mandate and in accordance with the schedule contained in guidance document (*RSCOM08-90 rev 1*). The **CEPT** representative presented the CEPT report which is still subject to a public consultation.

The **Commission** services (Mr Moll) agreed with the CEPT that the Annex to the CEPT report was already RIG-compatible. He welcomed the CEPT proposal to include in the update the wireless applications in healthcare, but noted that a discrepancy existed between the scope of devices falling within the definition in ECC Recommendation 70-03 and the relevant Harmonised Standard and the scope of active medical implants as defined in Commission Decision 2006/771/EC on SRD. The **Chairman** concluded that the Commission would exchange with the CEPT on a preliminary draft of the updated technical Annex to the SRD Decision before the submission to the RSC of a draft update of the SRD Decision at RSC#29 in October 2009. With respect to the technical Annex to the updated SRD Decision, **Austria** noted that the recently updated SRD Decision (2009/381/EC) harmonises a number of bands already covered by the list of subclasses for the equipment under the R&TTE Directive as listed on the ECO website, as a result of which some bands are mentioned twice, whereby a clarification from the Commission services would be helpful for the Member States^[b5]-

France presented a request for a derogation from the SRD Decision concerning the use of the upper part of the 2.4 GHz band (2454-2483.5 MHz) by wideband data transmissions systems and radio determination applications (*RSCOM09-45*). Member States were invited to express their views on the French request for derogation; no objections were raised concerning the request. As a result, the **Commission** services will undertake the necessary internal procedure to respond formally to this derogation request.

7. WAPECS

RSCOM09-30

RSC delegates were informed about the positive result of the written procedure on the RSC advisory opinion on Mandates to CEPT on the 900/1800 MHz and the 2 GHz bands (*RSCOM09-30*). The written procedure ended on 12 June 2009. The Mandate on the 900/1800 MHz band received unanimous positive support from the RSC delegates. The Mandate on the 2 GHz band received positive support from 26 Member States and one abstention. The **CEPT** representative confirmed that its work on the Mandates had started. He especially underlined the excellent cooperation with the EC enabling the CEPT to start the discussion on the work distribution based on the draft mandated already before their final approval. This allowed for an early start of the work and was much appreciated^[b6].

8. EC DECISION 2008/411/EC ON THE 3.4-3.8 GHz BAND

RSCOM09-31

A discussion took place on the first draft of a Commission guidance document on the effective implementation of Commission Decision 2008/411/EC on the 3.4-3.8 GHz band (*RSCOM09-31*) whose aim is to facilitate the co-existence between fixed-satellite (FSS) and terrestrial wireless services. On the basis of comments received from RSC delegates following RSC#28, the Commission will prepare a revised version of this document for the next RSC meeting. The discussion showed that there was consensus on the following issues. Firstly, while noting that the EC Decision cannot be used as a justification for dismissing new applications for authorisation, because EC Decision under the Radio Spectrum Decision do not address assignments, it should be clear that it remains a national issue whether new FSS Earth stations below 3800 MHz are authorised or not. Secondly, there is no need for an update of the ECC Report 100, which describes best practices in sharing between FSS and

terrestrial wireless services. Furthermore, coordination discussions between FSS and terrestrial wireless operators should be encouraged or even required in the context of authorisation conditions.

Concerning the issue of actual sites to be protected, some Member States raised doubt as to the need of the proposed collection of data at the European level. The Commission clarified that it was mainly a method to ensure that information about sites to be protected was available to the relevant operators in all EU Member States and to have a clear overview on how many FSS sites realistically require protection within the EU.

Agreed actions:

- By 31 August 2009: MS to provide comments on the draft Guidance document including information on authorised FSS Earth stations.

9. DIGITAL DIVIDEND

**RSCOM09-39
RSCOM09-40
RSCOM09-41
RSCOM09-42
RSCOM09-43
RSCOM09-44**

The CEPT representative presented the full set of draft CEPT reports subject to public consultation (CEPT Reports 30, 31, 32) in response to the 2nd Mandate to CEPT on technical considerations regarding harmonisation options for the digital dividend in the European Union. In addition the already finally approved CEPT Report 29 was presented^[b7].

Additionally he indicated that the proposed harmonised FDD frequency arrangement consists of 2 x 30 MHz FDD in reverse duplex and is based on a separation distance of 1 MHz at 790 MHz and a middle gap of 11 MHz. This arrangement is the outcome of intensive discussions on several possible options (0 MHz, 1 MHz or 2 MHz as separation distance at 790 MHz) and industry stakeholders are especially invited to comment on this during public consultation^[b8].

The CEPT representative highlighted that the ECC expects comments during the public consultation phase of all CEPT Reports because of the difficult compromises and several statements included in the minutes of several subgroups. Therefore the results should be handled with care until final approval of the CEPT reports in October 2009^[b9].

At the ECC meeting, Cable Operators proposed to instigate an impact assessment and further work to identify issues for the major stakeholder in the 790-862 MHz band. Also during the latter part of the work by SE42, initial tests, conducted by cable networks operators indicated the potential for interference to the cable “viewer” from the multitude of consumer TV-equipment receiving in the band 790-862 MHz by mobile terminal operating in the band 832-862 MHz. However, interference occurrences for signals in the cable network on the same

frequency as mobile transmissions are considered as an EMC issue not in the scope of ECC activities. For further details on the above see also Document RSCOM09-39^[b10].

The **Chairman** thanked the CEPT for its substantial and timely response to the Mandate and emphasised the need to incorporate swiftly the results of the public consultation on the submitted draft CEPT reports. The **Commission services** (Mr Lefebvre) informed the RSC about the next steps, notably on the public consultation regarding the Digital Dividend¹ which was launched on 10 July. The deadline for submitting responses is 4 September 2009. The representative of **France** stressed the need to take into account the conclusions on the Digital Dividend of the Council of Ministers (June 2008). He also expressed the hope that the draft EC Decision on the 790-862 MHz, to be tabled at the next RSC meeting, would be as much as possible close to the already adopted ECC Decision on this band.

10. UWB

RSCOM09-38
RSCOM09-46

A representative of the **Commission's Joint Research Centre (JRC)** presented the JRC Report on the compatibility of UWB with Broadband Wireless Access (BWA) and Radar services (*RSCOM09-38*). The main conclusion of this report is that protection limits and mitigation measures included in the recent Commission Decision 2009/343/EC amending the Decision 2007/131/EC on UWB are appropriate and ensure the protection of the radar and BWA services. The CEPT representative thanked the JRC for the presentation and recalled his remarks from RSC 25 that before the JRC can be included in the work programme of the ECC and subordinate groups a written agreement between CEPT and the EC is needed including that any expenses caused by the cooperation with the JRC will be funded by the EC. The procedure how to activate the JRC needs to be clarified as well. Any contribution from the JRC to ECC and subordinate groups on JRC's own initiative is of course welcomed^[b11].

The CEPT representative presented part B of the CEPT report in response to the Mandate 4 on UWB (*RSCOM09-46*). This part B is still subject to a public consultation. This draft report presents more relaxed limits than the ones in the 2009/343/EC Decision.

11. COMMISSION DECISION ON THE 900/1800 MHZ BAND

The **Commission services** presented a revision of the draft Commission Decision on the 900/1800 MHz band. The aim of the revision was to achieve an alignment with the amended GSM Directive to be adopted by EP and Council and not to change any of the substance. The new draft will be submitted to the RSC for a regulatory opinion via written procedure at the beginning of September.

¹ http://ec.europa.eu/information_society/policy/ecom/radio_spectrum/topics/reorg/pubcons_digdiv_200907/index_en.htm

Agreed actions:

- By 14 July 2009: MS to send preliminary comments on the amended draft of EC Decision on the 900/1800 MHz band.

12. TCAM

The **Commission services** (Mr Piquemal) gave an oral update regarding the latest development in relation to RTTE Directive.

13. CEPT/ECC

RSCOM09-32

The **ECC Chairman** (Mr Ewers) presented ECC progress report to RSC#28 (*RSCOM09-32*). He explicitly highlighted the handling of the TCAM-RSC RIG II template where clarification is still needed on how the template is intended to be used commonly by the EC and the CEPT. The ECC tasked its working group RA to get in contact with the EC on this matter [b12].

14. ETSI

RSCOM09-33

The **ETSI representative** (Mr Pagnozzi) presented its report on ETSI activities of relevance for RSC#28 (*RSCOM09-33*).

15. ANY OTHER BUSINESS

a) Status of the 2 GHz MSS selection and authorisation process

The **Commission services** (Mr Sorsaniemi) provided to RSC delegates a short update on the selection and authorisation process for pan-European mobile satellite services (MSS) in the European Union. He informed about the adoption of the Commission Decision 2009/449/EC on 13 May 2009 on the selection of operators of pan-European systems providing mobile satellite services (MSS) and its subsequent publication on 12 June 2009. The selected candidates were Solaris Mobile Ltd and Inmarsat Ventures Ltd.

b) Input from the delegation of Sweden on "Technical licence conditions for Mobile Satellite Services in 2 GHz band"

RSCOM09-36

The delegation of **Sweden** raised the issue of how to implement the legal elements related to the EC Decision 2009/449/EC. Sweden asked whether European-level specific co-existence criteria would need to be agreed and defined in the technical licence conditions to ensure the compatibility between the selected MSS systems and terrestrial systems operating in adjacent bands, and felt that a common understanding amongst the Member States on how to implement the Selection Decision would be necessary. Some delegations supported this view, while some others stated that there are no particular problems with the implementation and that technical compatibility issues with adjacent bands have been or are being dealt with by ETSI and the CEPT. It was considered that this is an issue which concerns the WG AUTH,

and the **Commission** services agreed to liaise with the relevant colleagues responsible for the Selection Decision.

c) Commission update on issues of relevance for RSC

RSCOM09-34

A written update on relevant issues following RSC#26 was brought to the attention of the RSC by **Commission** services (document *RSCOM09-34*).

d) List of meeting documents

RSCOM09-35

The **Chairman** asked RSC delegates to comment on the publication of RSC#28 documents.

e) Follow-up actions to be taken

The RSC agreed to a list of actions as a follow-up to RSC#28.

Next Meeting of the RSC

The next RSC#29 meeting will take place on 1 October 2009 in Brussels.

Closing of the Meeting

The **Chairman** thanked the participants and interpreters and closed the meeting.