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## **RADIO SPECTRUM COMMITTEE**

### **Working Document**

#### **Draft mandate subject to advisory procedure**

#### **pursuant to Article 4 of the Radio Spectrum Decision 676/2002/EC**

**Subject: Advisory opinion from the RSC concerning the draft CEPT Mandate on RLAN**

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## **1. INTRODUCTION**

At the last RSC meeting (RSC#5) the Commission introduced document RSCOM03-18, on the harmonised use of RLANs within the Community. In the document the Commission calls for full harmonisation of the frequency bands 5150-5350 MHz and 5470-5725 MHz following the result of WRC-2003 and the survey conducted at previous RSC meetings and it proposes a mandate to CEPT on this issue.

At RSC#5, several delegations asked for an update of the table contained in RSCOM03-18 which summarises the degree of harmonisation of the 5 GHz bands. These updates have been introduced in document RSCOM03-18rev.1.

The Commission has considered the comments that were raised by Member States during the discussion of the draft mandate text at RSC#5. The revised draft Mandate taking these comments into account is attached.

The RSC is asked to give an advisory opinion on the attached draft mandate in accordance with the procedures laid down in the Radio Spectrum Decision (art. 3 (2)).

## **DRAFT**

### **Mandate to CEPT to harmonise technical and, in particular, operational conditions aiming at efficient spectrum use by RLANs in the bands 5150-5350 MHz and 5470-5725 MHz**

#### **1. PURPOSE**

To mandate CEPT to develop and adopt the measures necessary to ensure harmonised technical conditions and, in particular, operational conditions that would ensure a sustainable efficient use of the bands 5150-5350 MHz and 5470-5725 MHz for RLANs based on the outcome of WRC-2003.

#### **2. JUSTIFICATION**

Pursuant to Article 4 of the Radio Spectrum Decision<sup>1</sup>, the Commission may issue mandates to the CEPT for the development of technical implementing measures with a view to ensuring harmonised conditions for the availability and efficient use of radio spectrum; such mandates shall set the task to be performed and the timetable therefor.

In order to align European spectrum utilisation conditions with world-wide agreements reached at WRC-03 concerning the frequency bands to be used for Wireless Access Systems including RLANs, it is necessary to revisit existing CEPT positions on RLAN use at 5 GHz, with the aim of adjusting, where necessary, technical and operational conditions so as to achieve an efficient use of spectrum which is sustainable over time in an unlicensed environment.

#### **3. BACKGROUND**

The European Common Allocations Table (ECA) and, since WRC-03, also the Radio Regulations (RR) include a primary allocation to the Mobile Service in the bands 5150-5350 MHz and 5470-5725 MHz. Within the RR, Resolution [COM5/16] lays down the rules for Wireless Access Systems (WAS) including RLANs in the bands 5150-5350 MHz and 5470-5725 MHz.

It is noted that before WRC-03 CEPT had issued documents<sup>2</sup> both in terms of spectrum availability and technical constraints aimed at harmonising conditions across Europe. CEPT plans to review these documents in light of the WRC-03 results.

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<sup>1</sup> Decision 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community, OJ L 108 of 24.4.2002, p.1.

<sup>2</sup> ERC/DEC(99)23 – ERC Decision of 29 November 1999 on the harmonised frequency bands to be designated for the introduction of High Performance Radio Local Area Networks (HIPERLANs), and FM Working Group Guidance Document on 5 GHz RLANs (September 2002)

#### 4. ORDER AND SCHEDULE

CEPT is mandated to develop and adopt the measures necessary to ensure harmonised technical conditions and, in particular, operational conditions that would ensure a sustainable efficient use of the bands 5150-5350 MHz and 5470-5725 MHz for RLANs based on the outcome of WRC-2003. The mandate should:

- include guidance to administrations on the implementation of technical and operational conditions as well as how to monitor that mitigation techniques are applied;
- ensure any proposed regulation is technology neutral; notably by taking into account the provisions of the RTTE Directive;
- comment on the indoor/outdoor issue (potential regional differences, resulting problems, etc) relevant to the band 5250-5350 MHz;
- comment on the impact of the WRC-03 decision to make the bands 5150-5350 MHz and 5470-5725 MHz available for Wireless Access Systems (WAS) in general.

The deliverables of this Mandate will be a report, as well as an ECC Decision on harmonised usage conditions for RLANs in the 5 GHz bands with the following delivery dates.

- **April 2004:** Submission of a report to the RSC giving initial proposals or strategies, commenting on the progress of the work and highlighting any problems with the timing of the mandate.
- **June 2004:** Adoption of the ECC Decision for public consultation;
- **November 2004:** Final report to the RSC and final approval of the ECC Decision by the ECC.

The result of this mandate can be made applicable in the European Community pursuant to Article 4 of the Radio Spectrum Decision.

In implementing this mandate, the CEPT shall, where relevant, take the utmost account of Community law applicable.

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