



EUROPEAN COMMISSION
Information Society and Media Directorate-General
Electronic Communications Policy
Radio Spectrum Policy

Brussels, 3 April 2008
DG INFSO/B4

RSCOM08-06final

PUBLIC DOCUMENT

RADIO SPECTRUM COMMITTEE

Working Document

Opinion of the RSC

pursuant to Article 4.2 of Radio Spectrum Decision 676/2002/EC

Subject: Draft second Mandate to CEPT on technical considerations regarding harmonisation options for the digital dividend in the European Union

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Brussels, 3 April 2008
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ADOPTED

**Second mandate to CEPT
on technical considerations
regarding harmonisation options for the digital dividend in the European Union**

This mandate is issued to the CEPT without prejudice to the one-month right of scrutiny by the European Parliament, pursuant to Council Decision 1999/468/EC of 28 June 1999 (OJ L 184, 17.7.1999, p.23) on comitology procedure. This one-month period starts on 5 April 2008.

1. PURPOSE

This mandate intends to be a **follow-up** to the initial mandate on the digital dividend¹. The main objective of this additional work is to ensure the continuation and timely development of the **technical conditions and arrangements** required to pave the way for non-mandatory, non-exclusive coordinated use of the digital dividend in Europe.

This mandate should provide further technical input to the political process ongoing at EU level². The common exploitation of the result of this mandate does not entail the development of a technical implementation measure under the Radio Spectrum Decision. **Any common action will be guided by an eventual EU-level political agreement involving the Council and European Parliament and the work undertaken under this mandate should not prejudice the contents of any future European agreement.**

¹ Mandate to CEPT on technical considerations regarding harmonisation options for the digital dividend, 30 January 2007 (RSCOM06-89).

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: *Reaping the full benefits of the digital dividend in Europe: a common approach to the use of the spectrum released by the digital switchover*, COM(2007) 700, 13.11.2007.

2. JUSTIFICATION

Pursuant to Article 4 of the Radio Spectrum Decision³, 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.

A number of results from related activities justify the need to address an additional EC mandate to CEPT.

CEPT has delivered its final reports to the **WAPECS mandate**⁴ and to the **initial digital dividend mandate**⁵.

- The findings prepared under the **initial digital dividend mandate** (Report A) discuss two approaches to implement downlinks of mobile multimedia networks in the UHF-bands IV and V:
 - Approach 1: Implementation without a harmonized sub-band, based on the GE06 Plan entries
 - Approach 2: Implementation based on a harmonized sub-band

It is concluded that for the deployment of mobile multimedia applications Approach 1 minimises the impact on the current status of the GE-06 Plan. Since this plan may evolve continuously through the application of its modification procedure, it is possible for it to evolve towards a harmonised sub-band for mobile multimedia applications, i.e. Approach 2.

- The CEPT Report B and its supplement have retained the upper part of the UHF band allocated to the mobile service at WRC-07 (790-862 MHz) while noting that further work is needed for the development of detailed technical usage conditions, including compatibility studies. It concluded, with a reservation from some Administrations, that harmonisation of a sub-band of the UHF band is feasible from a technical, regulatory and administrative point of view provided that it is not made mandatory and any decision about the use of the harmonised sub-band is left to individual Administrations within the framework of the GE-06 Agreement.
- For the envisaged sub-band accommodating broadcasting networks as protected by the GE-06 agreement, it is assumed that the GE-06 agreement provides the necessary technical usage condition specifications, and no further work is required under this mandate.
- **The WAPECS Mandate** has developed a mechanism for applying least restrictive technical conditions in specific frequency bands taking into account the most likely use or targeted network type. Concerning the UHF band this mandate confirmed the general feasibility of flexible use, but did not finalise its work on actual least

³ 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.

⁴ Mandate to CEPT to develop least restrictive technical conditions for frequency bands addressed in the context of WAPECS, 5 July 2006

⁵ CEPT Reports parts A, B and C in response to the Commission mandate to CEPT on the digital dividend issued on 30 January 2007.

restrictive technical conditions, due to missing basic assumptions that only now have become available through the finalisation of the initial digital dividend mandate.

In addition, WRC-07 allocated on a co-primary basis the upper part of the UHF band (790 – 862 MHz) to mobile services in Europe as from 2015, and allowed some EU countries to utilise this allocation before 2015, subject to technical coordination with other countries.

The Commission considers that the results of the two mandates mentioned above as well as the outcome of WRC-07 are compatible with the proposals set out in the Commission Communication on the digital dividend. Consequently, the **detailed technical feasibility of these results and proposals** ought to be further examined in a new mandate.

3. MAIN EU POLICY OBJECTIVES

With this Mandate, the Commission issues guidance to the CEPT to continue developing technical conditions and studies serving policy objectives which the optimisation of the use of the digital dividend at EU level will contribute to, namely:

- strengthen the **Internal Market** dimension for potential mass-market services and equipment which will operate in the UHF band, including for applications related to broadcasting, broadband access, convergent services and "legacy" services such as Programme Making and Special Event (PMSE) applications. For these last applications, alternative common solutions outside the UHF band should be explored where needed;
- support the **development of the media sector** by promoting the emergence of new broadcasting and/or converging services taking advantage of the flexibility offered in the GE-06 agreement and by ensuring an appropriate level of protection of existing and innovative media services against interference from other spectrum uses;
- promote increased **broadband access** for all EU citizens as well as new services fostering growth and innovation, thereby supporting the objectives of the Lisbon agenda⁶;
- exploit the socio-economic and cultural benefit of the digital dividend to the full by applying enabling a more **flexible use of spectrum**.

4. TASK ORDER AND SCHEDULE

The Commission Communication has identified three clusters in relation to the digital dividend.

CEPT is mandated to carry out the technical investigations to define the technical conditions applicable for the sub-band 790-862 MHz optimised for, but not limited to,

⁶ Communication from the Commission to the Council and the European Parliament - Common Actions for Growth and Employment : The Community Lisbon Programme [SEC(2005) 981]. Full text available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0330:EN:NOT>

fixed/mobile **communications networks** (two-way). The CEPT is requested to study more specifically:

- (1) The identification of common and minimal (least restrictive)⁷ technical conditions. These conditions should be sufficient to avoid interference and facilitate cross-border coordination noting that certain frequencies used for mobile multimedia networks may be used primarily for mobile (downlink) in one country and broadcasting networks in another country until further convergence takes place.
- (2) The development of the most appropriate channelling arrangement: in addition to (1), the CEPT is requested to develop channelling arrangements that are sufficiently precise for the development of EU-wide equipment, but at the same time allow Member States to adapt these to national circumstances and market demand. The overall aim of a coordinated European approach should be considered, implemented through detailed national decisions on frequency rearrangements, while complying with the GE-06 framework.
- (3) A recommendation on the best approach to ensure the continuation of existing Programme Making and Special Events (PMSE) services operating in the broadcasting band, including the assessment of the advantage of an EU-level approach as well as an outline of such an EU-level solution if appropriate.

The Commission may provide CEPT with further guidance on this mandate or issue a new mandate dealing with accommodation of one-way multimedia networks and the impact of national demands for fixed/mobile communications networks that require use of adjacent frequencies below 790-862 MHz on the basis of political agreements with the European Parliament and the Council on the digital dividend, as well as the socio-economic impact assessment it is planning to undertake via an independent study on the digital dividend to be launched in 2008.

The main deliverable for this Mandate will be additional reports, subject to the following delivery dates:

Delivery date	Deliverable
26 Sept. 2008	First progress report for the RSC#25
1 Dec. 2008	For RSC#26: Draft final report on Task (1), Progress report on Tasks (2)
13 March 2009	For RSC#27: Final report on Task (1), Draft final report on Task (2) and Progress report on Task (3).
June 2009	For RSC#28: Final report on Task (2) and Task (3)

⁷ Such as the definition of appropriate BEMs (Block Edge Masks)

In implementing this mandate, the CEPT shall, where relevant, take the utmost account of Community law applicable and support the principles of technological neutrality, non-discrimination and proportionality insofar as technically possible.

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