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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Delegations

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Subject: The World Radiocommunication Conference 2015 (WRC-15) of the
International Telecommunication Union (ITU)
- Council conclusions (26 October 2015)

Delegations will find in Annex 1 the Council conclusions on the World Radiocommunication Conference 2015 (WRC-15) of the International Telecommunication Union (ITU) as adopted by the Council at its 3419th meeting held on 26 October 2015, and in Annex 2 a statement from the Commission. The Commission has requested that the statement would be added to the minutes of the Council meeting during which the conclusions will be adopted.

Council Conclusions on
the World Radiocommunication Conference 2015 (WRC-15) of the International
Telecommunication Union (ITU)

THE COUNCIL OF THE EUROPEAN UNION,

1. RECALLING

- a) Decision N° 676/2002/EC of the European Parliament and the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community;¹
- b) the provisions of the Framework Directive on electronic communications networks and services, and particularly its Article 8a(4);²
- c) Decision N° 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme,
- d) the Council conclusions on the European positions for the World Radiocommunication Conferences of 1992³, 1997⁴, 2000⁵, 2003⁶, 2007⁷ and 2012⁸;
- e) the importance of wireless technologies using spectrum for achieving the EU's policy objectives under the EU2020 Strategy flagship initiative "Digital Agenda for Europe" to deliver fast broadband internet and achieving sustainable economic and social benefits from a digital single market,
- f) the Council conclusions of 31 May 2010 on the Digital Agenda for Europe;⁹

¹ OJ L 108, 24.4.2002, p. 1.

² 2002/21/EC, as amended by Directive 2009/140/EC, OJ L 337, 18.12.2009, p.37.

³ Doc. 4248/92.

⁴ Doc. 10441/97.

⁵ Doc. 7788/00.

⁶ Doc. 9131/03.

⁷ Doc. 11991/07.

⁸ Doc. 10301/11.

⁹ Doc. 10130/10.

2. NOTING

- the February 2015 Opinion of the Radio Spectrum Policy Group (RSPG) on "Common Policy Objectives for WRC-15";¹⁰

3. EXPRESSES ITS BROAD SUPPORT FOR the following objectives to be achieved at WRC-15 in view of the successful implementation of relevant Union policies:

a) Under agenda item 1.1:

- To identify the band 1452-1492 MHz, and adjacent bands 1427-1452 MHz and 1492-1518 MHz for International Mobile Telecommunications (IMT) while protecting passive services below 1427 MHz. This identification does not preclude the use of these bands by any applications, including defence, of the services to which they are allocated, nor establish priority in the Radio Regulations;
- To allocate the band 3400-3800 MHz on a co-primary basis to the mobile service and identify it for IMT, taking into account that the band plays an important role for satellite communications;
- To support no change to allocations in the band 470-694 MHz in Europe¹¹;
- To neither add the co-primary allocation to the mobile service of the bands 5350-5470 MHz and 5725-5850 MHz nor identify for IMT those bands as well as the band 5850-5925 MHz, while studying these three bands further with a view to consider their use for radio local area networks and ensuring that primary use is protected in all cases.

¹⁰ <http://rspg-spectrum.eu/wp-content/uploads/2013/05/RSPG15-593_final_RSPG_opinion_on_WRC-15.pdf>

¹¹ Noting, in accordance with the following RSPG opinion <http://rspg-spectrum.eu/wp-content/uploads/2013/05/RSPG15-595_final-RSPG_opinion_UHF.pdf>, that Member States should also have the flexibility to use the band for wireless broadband downlink, provided that such use is compatible with the broadcasting needs.

- b) Under agenda item 1.2:
- i. To set the lower band edge at 694 MHz and support ITU-R recommendations for protection levels for the broadcasting service below 694 MHz commensurate with the results of the studies performed by the European Conference of Postal and Telecommunications Administrations;
 - ii. To ensure balanced coexistence between wireless broadband and broadcasting, and not add additional constraints going beyond the GE-06 agreement¹² for the protection of broadcasting in the band 694-790 MHz;
 - iii. To ensure balanced access between mobile service and aeronautical radionavigation services (ARNS) at the borders of the eastern Member States, so as to facilitate the deployment of mobile services in all EU countries through appropriate regulatory provisions of the radio regulations, while favouring the smallest effective separation distances between ARNS and IMT and supporting the rights of the EU eastern Member States in this regard.
- c) Under agenda item 1.18, to allocate the band 77.5-78 GHz to radiolocation service to facilitate the deployment of automotive radars without introducing excessive restrictions, and to recognise that radio astronomy stations should continue to benefit from protection;
- d) Under agenda item 10, to support an agenda item for WRC-19 addressing the spectrum needs for 5G mobile systems, with the focus above 6 GHz for new allocations and a common approach to launch related compatibility studies ahead of WRC-19;

4. INVITES MEMBER STATES TO:

- Pursue the objectives set out in paragraph 3 and to respect the principles set out in Decision 243/2012/EU establishing a multiannual radio spectrum policy programme when negotiating any relevant amendment to the ITU Radio Regulations at WRC-15.

¹² Final Acts of the Regional Radiocommunication Conference for planning of the digital terrestrial broadcasting service in parts of Regions 1 and 3, in the frequency bands 174-230 MHz and 470-862 MHz (RRC-06)

5. INVITES THE COMMISSION TO:

- Report rapidly to the European Parliament and the Council on the results of WRC-15 and on the means to ensure that the European preparations for the next conference due in 2019 (WRC-19) are fully supportive of Union policies and principles.
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COMMISSION'S STATEMENT

The Commission regrets the fact that the Council has adopted conclusions in preparation for the World Radiocommunication Conference 2015, rather than a decision as foreseen by Article 218(9) TFEU. In the view of the Commission, this position is contrary to the Treaty and case law of the Court of Justice. The Commission reserves all its rights in that regard.
