



Council of the
European Union

Brussels, 13 June 2019
(OR. en)

10300/19

**Interinstitutional File:
2019/0065(NLE)**

LIMITE

**TELECOM 262
AUDIO 87
TRANS 382
AVIATION 125
ESPACE 60
MI 523
COMPET 488
RECH 327
ENV 577**

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Delegations

No. prev. doc.: 10142/19
No. Cion doc.: 7055/19 + ADD 1

Subject: Council Decision on the position to be taken on behalf of the European Union in the International Telecommunication Union (ITU) World Radiocommunication Conference 2019 (WRC-19)
- Adoption

Delegations will find in the annex the Council decision on the position to be taken on behalf of the European Union in the International Telecommunication Union (ITU) World Radiocommunication Conference 2019 (WRC-19), adopted by the Council (Employment, Social Policy, Health and Consumer Affairs) in its 3698th meeting held on 13 June 2019.

COUNCIL DECISION

**on the position to be taken on behalf of the European Union in the International
Telecommunication Union (ITU) World Radiocommunication Conference 2019 (WRC-19)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 100(2) and 114 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Radio Regulations were originally adopted on 3 November 1906 and entered into force following ratification by the 30 participating countries and are regularly updated with the latest revision having entered into force on 1 January 2017.
- (2) Pursuant to Article 4 of the ITU Constitution, the Radio Regulations are binding on all ITU Member States.
- (3) Pursuant to Articles 13 and 54 of the ITU Constitution, the World Radiocommunication Conference may adopt Revisions to the Radio Regulations.
- (4) The World Radiocommunication Conference 2019 (WRC-19), during its final session on 22 November 2019, is to adopt its Final Acts, revising the Radio Regulations.

- (5) It is appropriate to establish the position to be taken on the Union's behalf in the WRC-19, as the revised Radio Regulations will be binding under international law and are further capable of decisively influencing the content of Union legislation in the areas of air¹ and maritime² transport and internal market policies.³⁴
- (6) The proposed position aims to promote global or regional solutions to spectrum use, while safeguarding the functioning of radio systems in the Union and the autonomy of Union decision-making, in particular by aiming at ensuring consistency with the principles set out in Directive 2002/21/EU on a common regulatory framework for communications networks and services,³ Decision 243/2012/EU and Directive (EU) 2018/1972 of 11 December 2018 establishing the European Electronic Communication Code.

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91.

² Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system. Commission Decision 2004/71/EC sets out the requirements relating to radio equipment for GMDSS to be used on non-SOLAS (Safety of Life At Sea) vessels.

³ Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic Communications networks and services, Commission Decision for the band 24.25-27.5 GHz is foreseen for March 2019. Directive (EU) 2018/1972 establishing the European Electronic Communications Code requires in its Article 54 that Member States allow the use of spectrum in the band 24.25-27.5 GHz by end 2020, Commission Decision 2007/90/EC amending Decision 2005/513/EC on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of Wireless Access Systems including Radio Local Area Networks (RLAN), Commission Decision 2007/98/EC on the harmonised use of the bands 1980-2010 MHz and 2170-2200 MHz for systems for Mobile Satellite Services (MSS) in the Union, Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union and Commission Implementing Decision (EU) 2016/687 on the harmonisation of the 694-790 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services and for flexible national use in the Union. Commission Implementing Decision (EU) 2015/750 on the harmonisation of the 1452-1492 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union, as amended by Commission Implementing Decision (EU) 2018/661, as regards its extension in the harmonised 1427-1452 MHz and 1492-1517 MHz frequency band.

⁴ Commission Decision 2008/671/EC on the harmonised use of radio spectrum in the 5875-5905 MHz spectrum band for safety-related applications of Intelligent Transport Systems (ITS). Commission Implementing Decision 2017/1483/EU also harmonises the band 5 795 -5 815 MHz for short range devices for transport and traffic telematics devices

- (7) The Union's position is to be expressed by the Member States of the Union that are members of the International Telecommunication Union, acting jointly. In cases where the CEPT coordinator is not from a Member State, designating EU Rapporteurs for the agenda points mentioned in the Annex can assist in this process.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the WRC-19 of the International Telecommunication Union is set out in the Annex.

Where new proposals regarding WRC-19 matters not subject to positions listed in the Annex are made at, or shortly before, the Conference, that may affect EU law or alter its scope, the Union position shall be further specified by on-the-spot meetings where appropriate, before the Conference is called to adopt revisions to the Radio Regulations. If it is impossible to reach an agreement, the matter shall be referred to the Council or its preparatory bodies. The Union position shall be consistent with the positions laid down in this Decision and their underlying principles.

Practical arrangements for Union coordination shall be established on the spot.

Article 2

The position referred to in Article 1 shall be expressed by the Member States of the Union that are members of the International Telecommunication Union, acting jointly.

Member States of the Union that are members of the International Telecommunication Union, acting jointly in the interest of the Union and in close consultation with the Commission, may agree to minor changes to the position referred to in Annex I during the WRC-19 by means of on-the-spot meetings, provided such changes are consistent with the positions laid down in this Decision and their underlying principles.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council
The President*

ANNEX

to the

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the

International Telecommunication Union (ITU) World Radiocommunication Conference 2019

(WRC-19)

When negotiating and adopting revisions to the ITU Radio Regulations at WRC-19, the following positions shall be taken on the Union's behalf.

1. Under agenda item 1.8:

- For satellite systems used in the provision of GMDSS support regulatory measures in the Radio Regulations for the introduction of an additional GMDSS provider while protecting the radio astronomy service.

Under agenda item 1.9.1:

- Support efforts to ensure the integrity of Automatic Identification Systems and of Global Maritime Distress and Safety System. To this end, operation of Autonomous Maritime Radio Devices should be regulated and harmonised.

Under agenda item 1.9.2:

- Support the allocation of an appropriate portion of current allocations to the maritime mobile service in the frequency band 156 - 162 MHz to the maritime mobile-satellite service to support the implementation of the VHF Data Exchange System (VDES).

Under agenda item 1.10:

- Support taking no further action under Article 5 of the Radio Regulations regarding the Global Aeronautical Distress and Safety System.

Under agenda item 1.12:

- Support no change to the Radio Regulations as regards spectrum for Intelligent Transport System, as convergence is already being achieved through the more suitable instrument of ITUR Recommendations.

Under agenda item 1.13:

- Support a co-primary mobile allocation in the frequency band 24.25-25.25 GHz and the identification of the frequency band 24.25-27.5 GHz for International Mobile Telecommunications (IMT). In addition, regulatory provisions in the Radio Regulations to protect other services should be consistent with the Commission Decision regarding that band, in particular to ensure protection of relevant EU Earth Exploration Satellite Service Policy Programme projects (i.e. Copernicus);
- Support that the frequency band 40.5-42.5 GHz is given worldwide a co-primary mobile allocation and that the frequency band 40.5-43.5 GHz is identified for IMT;
- Support that the frequency band 66-71 GHz is identified for IMT taking into account the use of this frequency band by Multiple Gigabit Wireless Systems (MGWS) / Wireless Access Systems (WAS);
- Oppose consideration of the frequency band 27.5-29.5 GHz for IMT under this agenda item.

Under agenda item 1.16 and issue 9.1.5:

- Support that no changes are made concerning the frequency bands 5250-5350, 5350-5470 and 5850-5925 MHz.

Support a mobile co-primary allocation in the frequency band 5725-5850 MHz under relevant conditions, if it can be shown that compatibility is ensured with other services, in particular that road tolling and smartTachograph can be protected, as well as radars. Support no change to the frequency band 5725-5850 MHz, unless such compatibility is ensured.

- Support relaxation of existing conditions in the frequency band 5150-5250 MHz, where applicable and compatibility with other services is ensured.
- Support, under issue 9.1.5, that any amendments for the bands 5250-5350 MHz and 5470-5725 MHz do not impact the current coexistence conditions between RLAN and other services, nor introduce retrospective limitations to RLAN devices.

Under issue 9.1.1:

- Support adequate measures for protection of services provided by MSS satellites systems inside the Union, from harmful interference from outside the Union from the terrestrial component of IMT in the bands 1980-2010 MHz and 2170-2200 MHz.

2. For each agenda items listed under 1, Member States shall do their utmost to ensure that the objectives foreseen in the Union position are preserved in the outcomes of the WRC-2019 and the attainment of these objectives is not subject to burdensome conditions.

3. Under agenda item 10:

- Support the inclusion of an agenda item for WRC-23 to review the spectrum use and spectrum needs of existing services in the frequency band 470 - 960 MHz in Region 1 and consider possible regulatory actions in the frequency band 470 - 694 MHz in Region 1 on the basis of the review in accordance with Resolution 235 of the Radio Regulations.
- In addition, consistently with the timeline proposed in the Lamy report and subsequently set out in the Decision (EU) 2017/899, support no change at WRC-19 in the band 470-694 MHz. Also, in order not to reopen the delicate balance in setting the agenda item for WRC-23, support no change in Resolution 235 of the Radio Regulations.
- Support the consideration of the inclusion of an agenda item for WRC-23 to address the protection of Galileo from the amateur service allocated on a secondary basis in the band 1240-1300 MHz.
