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CEPT ECC
Electronic Communications Committee **Plenary**

55th ECC Plenary Meeting

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Source: **DSA**

Subject: **Regulatory Status of RLAN in 5 and 6 GHz bands**

Group membership required to read? (Y/N)

N

Summary:

Some CEPT countries are advocating for the introduction of the "non-interfering / non-protected" designation for WAS/RLAN equipment operating in the 5 and 6 GHz bands. The uncertainty brought about by even studying this change will deter new product introduction and will have profoundly negative economic consequences. Adding this language to ECC Decision (04)08 would destabilize the existing regulatory framework under which thousands of service providers have deployed millions of devices throughout Europe. Revoking the security of tenure for the application in a primary service used for the majority of internet access in Europe is reckless. Future applications introduced into these bands, and into adjacent bands, must take WAS/RLAN into account.

Proposal:

Invites ECC to

- To maintain the current status of RLAN in 5150-5350 MHz and 5470–5725 MHz (i.e. do not designate these bands for WAS/RLAN on a non-interference, non-protection basis)
- Task WG FM to rectify the consequences of adding 'non-interference, non-protection', a designation currently reserved in Europe for secondary services, short-range devices, and devices with no standing whatsoever, to an application operating under a primary service, as has been done in ECC Decision (20)01.

Background:

See below

1 RLAN OPERATE UNDER THE PRIMARY MOBILE ALLOCATION IN 5 GHZ

RLAN have operated in Europe in the 5150-5350 MHz and 5470-5725 MHz bands as an application under a primary mobile allocation, as clearly indicated by ECC Decision (04)08:

considering b. that the frequency bands 5 150-5 350 MHz and 5 470-5 725 MHz have been allocated to the mobile service except aeronautical mobile service on a primary basis for the implementation of WAS/RLANs by WRC-03, taking into account the need to protect primary services in these frequency bands;

[…]

DECIDES 1. that this Decision designates the frequency bands 5 150-5 350 MHz and 5 470–5 725 MHz for the implementation of Wireless Access Systems including Radio Local Area Networks (WAS/RLANs) and the use of equipment complying with the harmonised standard EN 301 893, which may also be demonstrated by compliance with equivalent technical specifications (in the sense of Article 3(2) of the R&TTE Directive);

The current regulatory framework makes no mention that the band should be designated for RLAN on a non-interference, non-protection basis. It is inexplicable why ECC would decide to change the regulatory status of RLAN in the whole 5 GHz band at this stage, particularly when no justification has been provided. The studies supporting ECC Decision (20)01 were conducted assuming a primary mobile allocation in 5925-6700 MHz in line with the agreed assumptions taken in CEPT Report 73, without consideration of non-interference, non-protected status. It is still unclear why ECC Decision (20)01 included the notion that RLAN would operate on a 'non-interference, non-protected' status, and harmonizing the language in ECC Decision (20)01 is not a justification for reversing course on the existing status of RLAN in ECC Decision (04)08.

2 THE BENEFITS OF RLAN APPLICATIONS OPERATING AS AN APPLICATION OF THE MOBILE SERVICE WITHOUT THE 'NON-INTERFERENCE, NON-PROTECTION' CONSTRAINT

RLAN applications are at the heart of key EU policies such as the Connectivity for a European Gigabit Society, The European Digital Strategy and the Digital Decade. The majority of European consumers, businesses, and educational facilities utilize services provided via fibre optic and other broadband access networks through RLAN. New RLAN in the 6 GHz band are required to fully leverage the capabilities of emerging gigabit access networks. The existing 5 GHz band is currently the main connectivity tool for citizens across Europe to learn and work from home.

Reversing course and lowering the status of RLAN from an application of a primary allocated service to non-interference, non-protected status, would clearly send the signal that CEPT administrations are not fully committed to the future availability of spectrum for RLANs. Moreover, lowering the status of RLANs would clearly indicate that CEPT does not guarantee that RLAN equipment will be able to operate in the 5 and 6 GHz bands in the future. Under such conditions, wide adoption of RLAN adhering to CEPT specifications as well as the availability of innovative services to European users will be compromised.

RLAN are clearly supporting EU objectives, and CEPT should maintain a stable regulatory environment for RLAN and not change the current conditions about their status without any justification. Reinforcing that RLAN is an application under the primary mobile allocation without the additional requirement to operate on a non-interference non protected basis would confirm the commitment of CEPT administrations to make a sufficient amount of spectrum available that is appropriate for current and future broadband connectivity needs.