Dynamic Spectrum Alliance Limited
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DSA
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September 15, 2021

Mr. Philippe Appeldoorn
1st Engineer-Advisor
Belgian Institute for Postal Services and Telecommunications (BIPT)
consultation.sg@bipt.be

Re: DSA's response to the BIPT's consultation CONSULT-2021-D2

Dear Mr. Appeldoorn,

The Dynamic Spectrum Alliance (DSA[1]) submits comments in response to the BIPT's consultation regarding the draft decision of the BIPT Council from dd mmm 2021 concerning radio interfaces relating to wireless access systems including radio local area networks (WAS/RLAN)[2].

DSA concurs with the BIPT's assessment that additional spectrum is needed for WAS/RLAN, and specifically, Wi-Fi to provide users with the gigabit data rates required for many applications such as video conferencing, telemedicine, online education, games, and augmented/virtual reality and realise the European Union's vision of a "Gigabit Society". The COVID19 crisis has vividly demonstrated the importance of more spectrum for Wi-Fi.

DSA fully supports the stated intention of the BIPT to authorize WAS/RLAN operation in the 5945-6425 MHz band but would like to make some observations. We appreciate the opportunity to participate in the consultation and to present our views. We are available to discuss these comments and provide any additional information.

Respectfully submitted,

Martha SUAREZ
President
Dynamic Spectrum Alliance

[1] The DSA is a global, cross-industry, not for profit organization advocating for laws, regulations, and economic best practices that will lead to more efficient utilization of spectrum, fostering innovation and affordable connectivity for all. Our membership spans multinationals, small-and medium-sized enterprises, as well as academic, research and other organizations from around the world all working to create innovative solutions that will benefit consumers and businesses alike by making spectrum abundant through dynamic spectrum sharing. A full list of DSA members is available on the DSA's website at www.dynamicspectrumalliance.org/members

[2] Available at https://www.bipt.be/operators/publication/consultation-on-the-radio-interfaces-for-wireless-access-systems-including-radio-local-area-networks-wasrlans

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DSA COMMENTS

DSA fully supports the stated intention of the BIPT to authorize WAS/RLAN operation in the 5945-6425 MHz band in accordance with European Commission Implementing Decision (EU) 2021/1067 of 17 June 2021[3].

According to both the EC Mandate[4] and the subsequent Decision, WAS/RLANs are expected to operate under General Authorisation (i.e., licence-exempt) conditions.

Contrary to the above, however, the provisions in Section 3, clause 12 and in Row 9 of the tables describing interfaces B3-07 (Low Power Indoor/LPI) and B03-08 (Very Low Power/VLP) of the BIPT consultation document state that for an undetermined period of time individual licenses will be required for operating LPI and VLP equipment.

The requirement for each 6 GHz RLAN device to be licensed will severely slow down the take up of these devices in Belgium, since consumers in particular are not used to obtaining radio licences for in-home routers, smartphones and other radio enabled consumer equipment. Furthermore, considerable resources might have to be allocated by BIPT to handle the expected volume of licence requests.

In this context, DSA would like to point to the following provisions of the European Electronic Communications Code (Directive (EU) 2018/1972) [5]:

Article 46(1) of **CHAPTER III, Section 1 "Authorisation of the use of radio spectrum":**

Member States shall facilitate the use of radio spectrum, including shared use, under general authorisations and limit the granting of individual rights of use for radio spectrum to situations where such rights are necessary to maximise efficient use in light of demand and taking into account the criteria set out in the second subparagraph. In all other cases, they shall set out the conditions for the use of radio spectrum in a general authorisation.

Article 56(1) of **CHAPTER IV "Deployment and use of wireless network equipment**":

Competent authorities shall allow the provision of access through RLANs to a public electronic communications network, as well as the use of the harmonised radio spectrum for that provision, subject

[3] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D1067&from=EN
[4] http://ec.europa.eu/newsroom/dae/document.cfm?doc_id=50343
[5] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1972&from=EN

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only to applicable general authorisation conditions relating to radio spectrum use as referred to in Article 46(1).

As regards the **transposition** of this Directive, **Article 124** states the following:

Member States shall adopt and publish, by 21 December 2020, the laws, regulations and administrative provisions necessary to comply with this Directive.

Member States shall apply those measures from 21 December 2020.

DSA understands that until now a Royal Decree has been required to authorize licence-exemptions and that a modification of the Belgian telecommunication law is underway to resolve the licencing situation. We would encourage BIPT to take the necessary actions that will enable General Authorisation conditions to be adopted for WAS/RLAN in this band with the utmost urgency.

In Row 7 of the table describing interface B03-08 (VLP), the limits for transmit power, power spectral density (PSD), and out-of-band emissions (OOBE) for VLP WAS/RLAN devices are specified. DSA proposes to add in this row the details of the intended change in the OOBE limit for VLP devices from -45 dBm/MHz to -37 dBm/MHz after 31st December 2024 which are mentioned in Section 2, clause 10 and clause 11 of the main text.

In Row 9 of the tables describing interfaces B3-07 (LPI) and B03-08 (VLP) it states: "*Based on NIB/NPB (Non-interference basis/non protection basis*". Whilst we acknowledge that EC Decision (EU) 2021/1067 also contains the term "non-interference and non-protected basis", WAS/RLAN will be operating under the co-primary Mobile allocation, and we believe that it is equally important to recognise that the EC Decision also states the following:

"*When introducing new applications into the 5 945-6 425 MHz frequency band or into adjacent frequency bands after the entry into force of this Decision, Member States shall not adopt technical and operational conditions applicable to any new application that unduly restrict the continued use of WAS/RLAN in the 5 945-6 425 MHz frequency band in accordance with this Decision."*

DSA considers the opening of the 5945-6425 MHz band for licence-exempt use by WAS/RLAN an important first step towards achieving the European Union objectives of realising a European Gigabit Society by 2025 and Europe's Digital Transformation by 2030.

To accomplish these ambitious goals a performant, affordable, reliable, and scalable local connectivity infrastructure that satisfies the needs of citizen, enterprises, and public institutions alike must be put in place. The technological basis for this infrastructure exists, in the form of Wi-Fi 6E and next-generation

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Wi-Fi 7. What is still missing is the right amount of spectrum that will release the full performance of Wi-Fi technology.

Making enough licence-exempt spectrum available for Wi-Fi 6E and Wi-Fi 7 should be an immediate priority for Belgium and the EU, especially considering that prominent economies and digital pioneers around the world such as the US, Canada, Brazil, Chile, South Korea, Saudi Arabia and others are leading the way towards global harmonisation of the 6 GHz band for licence-exempt use, having already secured the full 6 GHz band (5925-7125 MHz) for WAS/RLAN.

With the above recommendations, the DSA aims to provide a constructive contribution to the debate about BIPT's near- and medium-term spectrum policy priorities for the 6 GHz band. We believe that Belgium and Europe can highly benefit from the increased productivity, economic growth and societal development brought by the next generations of Wi-Fi.

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