

## **Decision no. 343/07/CONS**

### **Public Consultation on 900, 1800 and 2100 Mhz frequency bands usage by radio - mobile systems**

#### **THE AUTHORITY**

In its Council Meeting Of 28 June 2007;

HAVING REGARD TO Law no. 249 of 31 July 1997 on the “Establishment of the Communications Regulatory Authority and standards governing the telecommunications and broadcasting systems”, published in the Official Journal of the Italian Republic of 25 August 1997, no.197, S.O., and further amendments.

HAVING REGARD TO Legislative Decree no. 259 of 1 August 2003, on the “Electronic Communications Code”, hereinafter “Code”, published in the Ordinary Supplement no.150 of the Official Journal no. 214 of 15 September 2003; and further amendments;

HAVING REGARD TO the decree of the Minister of Communications of 25 March 1998, no. 113, on “Regulation on the covering of expenses deriving to the Ministry of defence following the amendments of the national frequency allotment plan”, published in the Official Journal no. 93 of 22 April 1998.

HAVING REGARD TO its own Decision no. 20/99 of 22 March 1999 on “ the review of the number of licences to be released for the numbering communication service GSM (DCS) 1800”, published in the Official Journal no. 70 of 25 March 1999;

HAVING REGARD TO its own Decision no.69/99 of 9 June 1999 “ Measures guaranteeing conditions of effective competition in the mobile and personal communication market from all operators and criteria and modalities for frequency assignment”, published in the Official Journal no. 139 of 16 June 1999;

HAVING REGARD TO Decision no. 895/00/CONS of 20 December 2000, “temporary frequency assignment in band GSM 1800, published in the Official Journal no. 301 of 28 December 2000.

HAVING REGARD TO the decree of the Minister of Communications of 8 July 2002, which approves the national frequency re-allocation plan, published in the ordinary supplement no. 146 to the Official Journal no.169 of 20 July, and following amendments;

HAVING REGARD TO Decision no. 286/02/CONS of 25 September 2002 “Procedures for further frequency assignment in GSM bands” published in the Official Journal no.237, of 9 October 2002;

HAVING REGARD TO the procedural agreement between the Ministry and the radio mobile operators in matter of frequency assignment passed on with the note from the Minister of Communications GMO/12445/10/03 of 7 October 2003;

HAVING REGARD TO the General Direction Decree for concessions and authorizations of the Ministry of Communication of 20 October 2003 which assigns frequencies in GSM bands.

HAVING REGARD TO the General Direction Decree for the electronic communication and radio transmission services of the Ministry of communications of 29 December 2004 which allocates, temporarily, frequencies in GSM bands.

HAVING REGARD TO Decision no.335/03/CONS, on “Amendments and integrations to the regulation relating the access to documents passed on by Decision no. 217/01/CONS published on the Official Journal of the Italian Republic no.240 of 15 October 2003;

HAVING REGARD TO Decision no. 453/03/CONS on the “Regulation relating the consulting procedure under article 11 of legislative decree 1 August 2003, no.259” published in the Official Journal of the Italian Republic no. 22 of 28 January 2004;

HAVING REGARD TO the regulation relating the organization and the functioning of the Authority adopted by Decision no. 316/02/CONS published in the Official Journal of the Italian Republic of 5 November 2002, no. 259 and following amendments;

HAVING REGARD TO the CEPT Report denominated ECC Report 096 “Compatibility between UMTS 900/1800 and systems operating in adjacent bands” of March 2007;

HAVING REGARD TO the CEPT Report denominated ECC Report 082 “ Compatibility study for UMTS operating within the GSM 900 and GSM 1800 frequency bands” of May 2006;

HAVING REGARD of the requests recently sent from radio mobile operators on the reallocation of channels which are currently available in 900 MHz band, the flexible usage of radio mobile bands 900 and 1800 MHz, and the re- usage of UMTS bands 2.1 GHz within the State availability;

HAVING ACKNOWLEDGED that it is necessary for the Authority to proceed to a public consultation which intends, besides acquiring elements of information and documentation in order to have the possibility that the 900 and 1800 MHz frequency bands can be reused for the development of the so called third generation mobile systems (3G/IMT2000-UMTS) or eventual equal technologies and compatible under the applicable law, also to verify the interest on the usage of 2100 MHz bands (IMT2000/UMTS) which are returned available by the State, for the purpose of the verification of the possible necessity to limit the access to the above mentioned bands;

HAVING REGARD to the document for consultation proposed by the managing Director of Electronic Communications Networks and Services;

HAVING HEARD the report of Commissioners Giancarlo Innocenzi Botti and Sebastiano Sortino, rapporteurs pursuant to Art. 29, of the Regulation concerning the organization and functioning of the Authority;

HAS ADOPTED THIS DECISION

## Article 1

1. A public consultation is commenced concerning the usage of 900, 1800 and 2100 Mhz frequency bands by radio - mobile systems.
2. The consultation modalities and the consultation document, which include the elements of interest of the Authority, of the mentioned argument, are reported respectively in annex A and B of the present decision, of which are an integrant part.
3. The responses to this public consultation must be sent within the final deadline of sixty days from the date of publication of the notice of the commencement of this consultation in the Official Journal of the Italian Republic
4. A copy of this decision, with relative annexes is for public view in the Authority's Offices in Naples, Centro Direzionale, isola B5.

The present decision is published, excluding annexes A and B, in the Official Journal of the Italian Republic and integrally in the Official Bulletin and on its website.

Rome, 28 June 2007

THE REPORTING COMMISSIONER

Giancarlo Innocenzi Botti

THE PRESIDENT

Corrado Calabrò

THE REPORTING COMMISSIONER

Sebastiano Sortino

For certification of conformity to the resolutions

THE GENERAL SECRETARY

Roberto Viola