Radio Spectrum Decision 1
2002/676/EC

- Adopted in 2002 with the Electronic communications regulatory framework
- "Policy platform": policy making for strategic planning and harmonisation of spectrum use
  - Holistic approach
  - Arbitrate among conflicting uses
  - Complemented by Radio Spectrum Policy Group - advisory function
- "Operational": EU legal methodology to ensure harmonised conditions for availability and efficient use of spectrum - comitology (Radio Spectrum Committee) for proposing and enforcing "technical implementing measures"
- "Transparency and information": coordinated and timely information on spectrum use.
- "International dimension": codification of practice and ensuring full involvement of EU institutions to defend EU interests at international level.
Radio Spectrum Policy Group – Commission decision 2002/622/EC

- **Composition**
  - Members: high level representatives from MS and Commission
  - Observers: EEA, accession countries, EP, CEPT, ETSI + ad hoc

- **Functioning: advisory**
  - Chairman elected for one year; 3 meetings a year
  - No comitology; opinions adopted upon consensus
  - Transparency: obligation to consult the public.

- **Function**: advises Commission on coordination of policy and harmonised conditions re. spectrum.

- **Adoption of advisory opinions on**
  - Digital switch-over
  - Secondary spectrum trading
  - Wireless Applications Policies for Electronic Communications services (WAPECS)
  - Preparation of WRC-07

- **On-going activities** [http://rspg.groups.eu.int/](http://rspg.groups.eu.int/) 
  - opinion and consultations on scientific use of spectrum, introduction of multimedia services in broadcasting spectrum.
Radio Spectrum Decision 2

- **Aim (Art. 1):**
  - co-ordination of policy approaches and harmonisation of conditions related to radio spectrum in the context of relevant EU policies

- **Scope (Art. 1):**
  - covers basically all spectrum matters, even public order and security (incl. indirectly military)

- **Comitology (Art. 3 & 4):**
  - adoption (regulatory procedure) of technical implementing measures in order to meet the aim of the Decision
  - mandates to CEPT for allocation and information availability
  - transitional periods in Commission Decisions possible, if duly justified
  - consultation/general policy policy discussions (advisory procedure -- in complement with RSPG)
Radio Spectrum Decision 3

- **Technical Implementing Measures (Art.4)**
  - Harmonisation measures on conditions of use, binding on MS
  - Complement to equipment regulation (R&TTE Directive)
  - Objectives: internal market including electronic communications, innovation, specific policy objectives (eSafety, eInclusion, transport).

- **Examples of On-going issues**
  - Short range devices
  - Ultra-wide bands
  - Radio frequency recognition devices (RFID)
  - TFTS
  - Mobile satellite systems in 2 GHz
  - IMT-2000
  - GSM
Radio Spectrum Decision 4

- **Information availability (Art. 5):**
  - publication of: national allocation tables, rights, conditions, procedures, charges and fees
  - development of appropriate data bases - EFIS

- **International dimension (Art. 6):**
  - Member States and Commission monitor international developments relevant to the Decision
  - Commission reports to EP and Council and may propose measures
  - establishment of common policy objectives to ensure Community co-ordination

- **Reporting to EP and Council (Art. 9):**
  - on activities, measures adopted and actions envisaged (annual report)
Radio Spectrum Committee

- Advises Commission based on inter-institutional comitology agreement
  - Advisory procedure for Commission mandates to CEPT
  - Regulatory procedure for Commission decisions
- Comprises Member States, and observers (EEA, accession & candidate countries, ECC and ETSI + ad hoc)
- Chaired by Commission
- 4 meetings per year
- Adopts “technical implementing measures”
- Assists the Commission:
  - examination of radio spectrum usage (Art. 4.6)
  - verification of draft mandates (Art. 4.2)
  - adoption of measures based on mandates (Art. 4.3)
  - adoption of measures not based on mandates (Art. 4.5)
Radio Spectrum Decision in Practice

- **Level 1:** Radio spectrum policy issues are submitted for consideration to the RSPG, which gives advise on need for further Community measures.
- **Level 2:** Commission submits draft measure to RSC, for opinion (subsequent Commission Decision = acquis communautaire)
- **Level 3:** Commission can submit proposals for co-decision (on own initiative, or where Committee or EP do not agree to the Commission’s draft measure)

⇒ Commission is not bound to follow these steps in chronological order (can be seen as alternatives)
European Setting for Spectrum Policy

European Union
- EU regulatory framework for the e-communications sector
- Policy input from EU perspective, coordination
- Harmonisation measures on spectrum usage (binding EU law)

Member States
- Regulatory authority over spectrum
- Bound by EU law and ITU RR

CEPT
- Voluntary coordination on technical spectrum issues
- ITU
EU Spectrum Policy Set Up

**RSPG (Group)**
- input / initiative by members

**RSC (Committee)**
- input / initiative by Commission
- mandates

**CEPT**

**EP**

**Commission**
- action
- advice
- proposal (co-decision)
- decision
- "acquis"

**Council**
- reject
- accept

**RSPG Opinion**

**Commission Decision**
International Context

- **Political and economic weight of the EU**
- **Coordination of negotiation strategies**: Procedure described in Recital 19 of Radio Spectrum Decision
  - Inform EP and Council and endorsement by Council of Community policy objectives to be achieved and positions to take.
  - MS and Commission to develop common action and closely cooperate during whole negotiations
- **WRC-07 (spectrum “beyond 3G”)**
- **Bilateral exchanges with EU trading partners**
Frequency bands harmonised at EU level

- 4 Commission Decisions - “technical implementing measures” - adopted on the basis of the Radio Spectrum Decision
  - With the assistance of the Radio Spectrum Committee
  - Content based on technical work done by the CEPT
  - Other Decisions under preparation

- 2 ‘old’ Directives still in force
Short range radars in the 79 GHz band

- Commission decision 2004/545/EC of 26 July 2004 on the harmonisation of radio spectrum in the 79 GHz range for the use of automotive short-range radar equipment in the Community

- Radar installed on the vehicle for collision mitigation and traffic safety applications

- Equipment not yet on the market
Short range radars in the 24 GHz band

- Commission decision 2005/50/EC of 17 January 2005 on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community

- Band to be designated and made available by 1 July 2005 and until 30 June 2013

- Use of the band to be monitored and Decision to be reviewed

- Protection of national radio astronomy stations operating in the band 22.21 to 24 GHz
Radio Local Area Networks (RLANs) at 5 GHz

  - Frequency band 5150-5350 MHz restricted to indoor use
  - Mitigation techniques required to protect other services

  - Provision of public RLAN access in the 2.4 GHz and 5 GHz bands subject only to general authorisation
  - Use of the bands not subject to the grant of any individual right
Reuse of the former ‘ERMES’ band

- Commission decision 2005/928/EC of 20 December 2005 on the harmonisation of the 169.4–169.8125 MHz frequency band in the Community (frequency band originally designated for the ERMES paging system)


- Decision applicable from 27 December 2005

- Band harmonised for various applications: hearing aids, social alarms, meter reading systems...
GSM in the 900 MHz band (1)

- Council directive 87/372/EEC of 25 June 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-european cellular digital land-based mobile communications in the Community
- Council Resolution of 14 December 1990 on the final stage of the coordinated introduction of pan-European land-based public digital mobile cellular communications in the Community (GSM)
GSM in the 900 MHz band (2)

- Directive complemented by Recommendation and Resolution reserved the 900 MHz for GSM

- Current debate on the use of this band for 3G services

- In the future, Directive may be modified or repealed and replaced to allow more flexibility in this band
Directive on DECT 91/287/EEC

- Complemented by Council recommendation 91/288/EEC
- Directive adopted under old regime
- Coordinated introduction of digital European cordless telecommunications in EC
- Obligation to designate the 1880-1900 MHz for DECT
- Technology conforming to the European Telecommunications standard for digital telecommunications
- In line with CEPT Recommendation T/R 22-02
- DECT has priority over other services and is protected
- Advantage: harmonised band at EU level.
Legacy of UMTS Decision 128/99/EC

Purpose:
- Harmonise spectrum for introduction of UMTS/IMT-2000 services (3G)
- Ensure interoperability and pan-European roaming
- Ensure compatible UMTS networks and services in all Member States
- No exclusion of other IMT-2000 technologies
- At least one UMTS system per Member State.

Decision expired but obligation remains regarding spectrum harmonisation
- 3 mandates issued to CEPT on introduction of IMT-2000 in EU
- 1 mandate for European Common Proposal for WRC-02.
- CEPT adopted ERC decisions in line with Commission mandates:
  - ERC Decision ERC/DEC/(99)25 of 29.11.1999
  - ERC Decision ERC/DEC/(00)01 of 28.3.2000
  - ECC Decision ECC/DEC/(02)06 of 15.11.2002 designating 2500-2690 MHz for IMT 2000/UMTS
  «The Licensing Committee invited EU MS to commit to the implementation of such ECC Decision in due time.»
Spectrum Reform 1

- Commission Communication COM(2005)411 *A forward looking radio spectrum policy for the EU.*
- Building on exchange of experience with MS
- **Facilitate access to spectrum** – lower hurdles
- **more flexibility in spectrum usage** to overcome ‘scarcity’ and be innovation-friendly
- **Allow spectrum user to decide upon usage** as much as possible
- **Current discussions**
  - Balancing spectrum management models: market based/‘unlicensed’/administrative decisions
  - Information on spectrum usage
  - Flexible spectrum management for wireless electronic communications (“WAPECS”).
**Spectrum Reform 2**

- Commission Communication COM(2005)461 on market based approach:
  - Establishing *spectrum markets* by 2010
    - suitable bands
    - spectrum rights
    - transition

- **Flexibility of spectrum usage:** technology and service neutrality (WAPECS)

- Technology and service neutrality

- Investigating usage of *unlicensed model* at EU level