

Frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications

2008/0214(COD) - 19/11/2008 - Legislative proposal

PURPOSE: to amend Council Directive 87/372/EEC (GSM Directive) in order to remove the limitation on the use of the 900 MHz band to one service only and thereby open up the band to additional networks.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: the move to the second generation cellular digital mobile communications system, called GSM, was seen as a unique opportunity to establish truly pan-European mobile communications. New technological developments now allow for new digital technologies capable of providing innovative pan-European broadband services in coexistence with GSM in the 900 MHz band. This band is particularly valuable as it has good propagation characteristics, covering greater distances than higher frequency bands, and allowing modern voice, data and multimedia services to be extended into less populated and rural areas.

The GSM Directive in its current version prohibits the use of the 900 MHz band by other pan-European systems, such as UMTS, and is therefore an obstacle to the development of the information society in the EU.

In order to allow the 900 MHz band to be used by a variety of pan-European services in line with Community policy objectives and the market demand for mobile communications, it is proposed to amend Directive 87/372/EEC to open the band to additional, more advanced pan-European broadband communications services where these can coexist with GSM, and then have the Commission adopt a Decision under the Radio Spectrum Decision to harmonise the necessary technical conditions for the use of this band.

The proposed Directive should allow a wider choice of services and technologies and thereby to maximise competition in the use of the bands so far covered by the GSM Directive, while ensuring that services remain coordinated and safeguarding the continued operation of GSM. To this end, the use of this spectrum would be allowed not only for GSM, but also for pan-European electronic communication services other than GSM. As a first step, this would include UMTS while acknowledging that other systems may also be able to co-exist in these bands.

On the implementation of this Directive, Member States should examine whether the liberalisation of the use of the 900 MHz spectrum band could possibly result in competitive distortions. If they conclude that this is the case, they should consider whether it is objectively justified and proportionate to amend the rights of use of those operators that were granted rights of use of 900 MHz frequencies and, where proportionate, to review these rights of use and to redistribute such rights in order to address such distortions in accordance with Directive 2002/20/EC of the European Parliament and of the Council on the authorisation of electronic communications networks and services (Authorisation Directive).