

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

2008/0214(COD) - 16/09/2009 - Final act

**PURPOSE:** to amend Council Directive 87/372/EEC and ensure that the use of the 900 MHz band is made available for additional services that coexist with GSM.

**LEGISLATIVE ACT:** Directive 2009/114/EC of the European Parliament and of the Council amending Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community.

**CONTENT:** following a first reading agreement reached with the European Parliament, the Council adopted a **directive which makes the 900 MHz band available not only for GSM, but also for UMTS and other terrestrial electronic communications systems**, provided they can coexist with GSM systems without harmful interference. Its objective is to maximise competition by offering users a wider choice of services and technologies, while maintaining the availability of GSM throughout Europe.

To recall, the 890-915 MHz and 935-960 MHz frequency bands were reserved for a public pan-European cellular digital mobile communications service to be provided in each Member State in accordance with a common specification, known as GSM. Subsequently the extension band (880-890 MHz and 925-935 MHz) became available for GSM operation, and together these frequency bands are known as the 900 MHz band. Since 1987, new digital radio technologies capable of providing innovative pan-European electronic communications have been developed, which can coexist with GSM in the 900 MHz band in a more technologically neutral regulatory context than before. The 900 MHz band has good propagation characteristics, covering greater distances than higher frequency bands and allowing modern voice, data and multimedia services to be extended to less populated and rural areas.

Member States should ensure that the liberalisation of the use of the 900 MHz band does not result in competitive distortions.

A recital states that the future use of the 900 MHz band and in particular the question of how long GSM will remain the reference technology for technical coexistence in this band is a

question of strategic importance for the internal market. It should be examined together with other issues concerning the Community's wireless access policy in the future radio spectrum policy programmes, to be adopted in accordance with [Directive 2002/21/EC](#) on a common regulatory framework for electronic communications networks and services (Framework Directive) as amended. Those programmes will set out the policy orientations and objectives for the strategic planning of the use of radio spectrum, in close cooperation with the Radio Spectrum Policy Group.

Within **six months of the entry into force of this Directive**, Member States should transpose Directive 87/372/EEC as amended. While this does not in itself require Member States to modify existing rights of use or to initiate an authorisation procedure, Member States must comply with the requirements of [Directive 2002/20/EC](#) (Authorisation Directive) once the 900 MHz band has been made available in accordance with this Directive. If the Member States conclude that there is evidence of distortion, 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. Any decision to take such a course of action should be preceded by a public consultation.

In addition, any spectrum made available under this Directive should be allocated in a transparent manner and in such a way as to ensure no distortion of competition in the relevant markets.

In order for other systems to coexist with GSM systems in the same band, harmful interference should be avoided by applying technical usage conditions applicable to technologies other than GSM using the 900 MHz band.

The text underlines that flexibility in spectrum management and access to spectrum should be increased in order to contribute to the objectives of the internal market in electronic communications. The 900 MHz band should therefore be open to other systems for the provision of other pan-European services as soon as it can be demonstrated that those systems can coexist with GSM systems.

ENTRY INTO FORCE: 09/11/2009.

TRANSPOSITION: 09/05/2010.