

Radio spectrum policy programme

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The Committee on Industry, Research and Energy adopted the report drafted by Gunnar HÖKMARK (EPP, SE) on the proposal for a decision of the European Parliament and of the Council establishing the first radio spectrum policy programme.

Aim and scope: the report stipulates that this Decision establishes a multi-annual radio spectrum policy programme for the strategic planning and harmonisation of the use of spectrum to ensure the functioning of the internal market. It covers the internal market in all Union policy areas involving the use of spectrum such as, but not limited to, electronic communications, research, development and innovation, transport, energy and audio-visual policy.

General regulatory principles: Members have specified the general regulatory principles which should be applied throughout the Union, notably:

- encouraging efficient use of spectrum to best meet the increasing demand for use of frequencies, reflecting the important social, cultural and economic value of spectrum;
- applying the most appropriate, non-discriminatory and least onerous authorisation system possible in such a way as to maximise flexibility and efficiency in spectrum usage;
- guaranteeing the development of the internal market and digital services by ensuring effective competition, a pan-European level playing field and by promoting the emergence of future pan-European services;
- promoting innovation;
- taking full account of the relevant Union law on human health of electromagnetic field emissions when defining the technical conditions of the use of spectrum;
- promoting technology and services neutrality in the use of the spectrum.

For electronic communications, Members consider that specific principles should apply, in accordance with Articles 8a, 9 and 9b of Directive 2002/21/EC and with Decision 676/2002/EC.

Policy objectives: policy objectives to be implemented by Member States and the Commission include the following:

- make sufficient and appropriate spectrum allocated for mobile data traffic, amounting to at least **1200 MHz by 2015**;
- bridge the digital divide and realise the objectives of the Digital Agenda, ensuring that all Union citizens have **access to broadband, not less than 30 Mbps by 2020** and making it possible for the Union to have the highest possible broadband speed and capacity;
- enable the Union to take the lead in wireless electronic communication broadband services by opening up sufficient additional spectrum in the most cost-efficient bands for these services to be widely available;
- secure opportunities for both the commercial sector as well as public services by means of increased mobile broadband capacities;
- reduce the fragmentation and fully exploit the potential of the internal market in order to establish a pan-European level playing field in order to foster economic growth and economies of scope and scale at Union level;
- ensuring the accessibility of new consumer products and technologies so as to secure consumer endorsement for the transition to digital technology and efficient use of the digital dividend;

- reduce the Union's carbon footprint by enhancing the technical efficiency of wireless communication networks and applications.

Competition: the report calls on the Member States, prior to a planned spectrum assignment, to carefully examine whether the assignment is likely to distort or reduce competition in the mobile markets concerned, taking into account existing spectrum rights held by relevant market operators. If the spectrum assignment is likely to distort or reduce competition, Member States shall adopt the most appropriate measures to promote effective competition. Member States may reserve a certain part of a spectrum band or group of bands to be assigned to new entrants.

Member States shall ensure that authorisation and selection procedures avoid delays, are non-discriminatory and promote effective competition by preventing any potential anti-competitive outcomes, for the benefit of EU citizens and consumers.

Spectrum for wireless broadband communications: Member States shall, by 1 January 2013 make the 800 MHz band available for electronic communications services. Only in exceptional cases duly justified for technical and historical reasons, the Commission may authorise **specific derogations until the end of 2015** in response to a duly motivated application from the Member State concerned. If cross-border frequency coordination problems with one or more third countries further prevent the availability of the band, the Commission may authorise exceptional annual derogations until such obstacles are removed.

In addition, the Commission shall **continuously monitor** the capacity requirements for wireless broadband services and, in cooperation with Member States, assess, no later than 1 January 2015, the need for action to harmonise additional spectrum bands, such as the **700 MHz band** (694-790 MHz).

Spectrum needs for other wireless communication policies: in order to support the further development of innovative audiovisual media and other services to European citizens, taking into account the economic and social benefits of a digital single market, Member States, in cooperation with the Commission, shall ensure sufficient spectrum availability for satellite and terrestrial provision of such services.

Spectrum needs for specific Union policies: Members consider that it is necessary to seek to find a minimum set of harmonised core bands for programme making and special events (PMSE) in the Union, according to the Union's objectives to improve the integration of the internal market and access to culture. These harmonised bands shall be of the frequency 1GHz or higher.