

Radio spectrum policy programme

2010/0252(COD) - 11/05/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 615 votes to 26, with 16 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council establishing the first radio spectrum policy programme.

It adopted its position at first reading under the ordinary legislative procedure. The amendments amend the Commission proposal as follows:

Aim and scope: the resolution 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: Parliament has 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** to best meet the increasing demand for mobile data traffic, thereby allowing the development of commercial and public services, while taking into account important general interest objectives such as cultural diversity and media pluralism;
- 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.

Increasing efficiency and flexibility: Member States shall foster, in cooperation with the Commission, the collective use of spectrum as well as shared and unlicensed use of spectrum. They shall also foster current and new technologies such as geolocation databases and **cognitive** radio to develop for example in white spaces following a proper impact assessment. That impact assessment shall be issued within twelve months of the entry into force of this Decision.

Special attention shall also be given to standards for equipment to be used by **disabled people**, without, however, depriving them of the right to use non-standardised equipment if that is their preference. Efficient coordination of spectrum harmonisation and standardisation will be particularly important in this regard so that consumers can use appliances that depend on radio spectrum without restriction and throughout the internal market.

The measures that Member States are to adopt shall be taken in addition to the opening of the 900 MHz band in the near future, in line with the "GSM" Directive and in such a manner as to promote competition. Such measures shall be taken in a non-discriminatory manner and may not distort competition to the advantage of operators already dominant in the market.

Competition: the resolution 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.

The Commission is invited to take action, in cooperation with Member States, at the appropriate levels to achieve further harmonisation and a more efficient use of the 1.5 GHz band (1452-1492 MHz) and the 2.3 GHz band (2300-2400 MHz) for wireless broadband services. 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: the Commission shall ensure that sufficient spectrum is made available under harmonised conditions and in harmonised bands for public protection and disaster relief (PPDR) and to take actions to support the development of safety services and the free circulation of related devices as well as the development of innovative interoperable solutions for PPDR. To ensure the efficient use of spectrum, the Commission shall examine the possibility of PPDR using **military frequencies**.

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.