

Radio spectrum policy programme

2010/0252(COD) - 14/03/2012 - Final act

PURPOSE: to establish a radio spectrum policy programme for the strategic planning and harmonisation of the use of spectrum to ensure the functioning of the internal market.

LEGISLATIVE ACT: Decision No 243/2012/EU of the European Parliament and of the Council establishing a multiannual radio spectrum policy programme.

CONTENT: this Decision establishes a multiannual radio spectrum policy programme for the strategic planning and harmonisation of the use of spectrum to ensure the functioning of the internal market in the Union policy areas involving the use of spectrum, such as electronic communications, research, technological development and space, transport, energy and audiovisual policies.

Policy objectives of the new Programme: in order to focus on the priorities of this Decision, Member States and the Commission shall cooperate to support and achieve the following policy objectives:

- **encourage efficient management and use of spectrum** to best meet the increasing demand for use of frequencies reflecting the important social, cultural and economic value of spectrum;
- seek to allocate sufficient and appropriate spectrum in a timely manner to support Union policy objectives and to best meet the increasing demand for wireless 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; to that end, every effort should be made to identify, based on the inventory, **at least 1 200 MHz of suitable spectrum by 2015**. That figure includes spectrum already in use;
- **bridge the digital divide** and contribute to the objectives of the [Digital Agenda for Europe](#), fostering access to broadband at a **speed of not less than 30 Mbps by 2020** for all Union citizens 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 freeing up sufficient spectrum in cost-efficient bands for those services to be widely available;
- secure opportunities for both the commercial as well as public sectors by means of increased mobile broadband capacities;
- **promote innovation and investment** through enhanced flexibility in the use of spectrum, through a consistent application across the Union of the principles of technology and service neutrality between the technological solutions that may be adopted and through adequate regulatory predictability of the Regulation;
- maintain and develop **effective competition**, in particular in electronic communication services;
- **reduce the fragmentation** and fully exploit the potential of the internal market in order to foster economic growth and economies of scale at EU level.

Member States, in cooperation with the Commission, shall, where appropriate, foster the collective use of spectrum as well as shared use of spectrum.

By 1 January 2013, Member States shall carry out the authorisation process in order to allow the use of the 800 MHz band for electronic communications services. The Commission shall grant **specific derogations until 31 December 2015** for Member States in which exceptional national or local circumstances or cross-border frequency coordination problems would prevent the availability of the band, acting upon a duly substantiated application from the Member State concerned.

The Decision stipuates that an **inventory** of existing uses of spectrum, for both commercial and public purposes shall be established.

Reporting and review: by 10 April 2014, the Commission shall report to the European Parliament and the Council on the activities developed and the measures adopted. By 31 December 2015, the Commission shall conduct a review of the application of this Decision.

ENTRY INTO FORCE: 10.04.2012. Member States shall apply the policy orientations and objectives set out in this Decision by 1 July 2015 unless otherwise specified herein.