

# Radio spectrum policy programme

2010/0252(COD) - 22/04/2014 - Follow-up document

This report presented by the Commission responds to the requirements laid down in Article 15 of Decision 243/2012/EU establishing a multiannual radio spectrum policy programme (the RSPP) and Decision 676 /2002/EC on a regulatory framework for radio spectrum policy in the European Community (the Radio Spectrum Decision). It merges these obligations into one concise report and focuses on the implementation of the Radio Spectrum Policy Programme.

Pursuant to the Radio Spectrum Decision and the RSPP, the Commission adopted implementing decisions supporting specific EU Policy areas. The specific EU policy areas include:

- [\*\*Digital Agenda for Europe\*\*](#): harmonisation of spectrum for wireless broadband as well as for short-range devices to facilitate "internet of things" applications;
- [\*\*Single European Sky\*\*](#): harmonisation of spectrum for mobile communications on board aircrafts;
- **Maritime and Land Transport**: harmonisation of spectrum use for, among others, intelligent transport systems including electronic tolling systems and automotive short-range radars.

The RSPP has contributed to a more efficient use of spectrum by:

- promoting spectrum **sharing approaches** e.g. by setting the goal of 1200 MHz for wireless broadband,
- initiating the **process of the spectrum inventory** which will be a tool to enable the Commission and Member States to define more fact-based policy.

In terms of concrete measures on the shared use of spectrum the **Commission is aiding innovation** by harmonising frequency bands that are subject to general authorisations (unlicensed spectrum) or individual rights of use (licensed shared access), as well as requesting related standards to the European Standards Organisations.

The programme has, however, shown limitations:

**Differences in the conditions and authorisation procedures:** the RSPP has shown limitations due to the general character of some of the regulatory principles it established, which need to be more precise for effective implementation. While each Member State continues to set the authorisation conditions and procedures for spectrum, the large differences in these conditions and procedures contribute to the fragmentation of the internal market with a negative impact on integration of networks across borders, on available handset capabilities and to other disadvantages for consumers.

The mere exchange of information and best practices based on the general principles and conditions of the current framework does not appear to be sufficient to remove these barriers to the single market. **Legal certainty** on well-established common principles and criteria that are applied by Member States in a coordinated way throughout the Union appear to be the minimum necessary.

**Delays in assigning the 800 MHz band:** these delays demonstrate the need for more nimble and flexible mechanisms for the harmonised timing of assignments throughout the Union or for categories of Member States based on the characteristics of the wireless broadband market, and for the harmonised duration of spectrum usage rights. In this regard, it is important to ensure the **efficient and timely assignment of existing harmonised spectrum** in order to accrue the potential socio-economic benefits through digital services provided over wireless broadband networks.

**More specific provisions are urgently needed** in such areas. To address these shortcomings, the Commission has proposed concrete legislative measures as part of the [Connected Continent](#) package. These establish: (i) a set of common spectrum authorisation principles and criteria; (ii) a formal time-limited mechanism for peer review of national plans with a view to ensure best practice.

Furthermore, **legal certainty on common timing and duration of spectrum assignments** for wireless broadband will be beneficial to operators in their business case evaluations and in their cross-border strategies and will allow them to have more predictable access to spectrum and conditions for investment.

To ensure that radio spectrum policy effectively contributes to EU policies, the Commission insists that there is a need to **step up the coordination efforts** being made under the strategic guidance of the RSPP and the successful technical implementation through the Radio Spectrum Decision, by strengthening the coordination of authorisations within Europe. A final report on the first RSPP and progress towards the targets set is planned for the end of 2015.

**The Radio Spectrum Decision:** the report notes that this Decision has proven successful in making available harmonised spectrum resources for strategic sectors in the internal market and is a positive example of cooperation with the Member States. Furthermore, the RSPP represents an important strategic framework for implementing Union spectrum policy using the mechanisms established by the RSD.