Basic information

2008/0214(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications **Subject** 3.30.05 Electronic and mobile communications, personal communications 3.30.06 Information and communication technologies, digital technologies 3.30.20 Trans-European communications networks	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, Research and Energy	PLEGUEZUELOS AGUILAR Francisca (PSE)	02/12/2008

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2957	2009-07-27

European Commission

Commission DG	Commissioner
Communications Networks, Content and Technology	REDING Viviane

Key events

Date	Event	Reference	Summary
19/11/2008	Legislative proposal published	COM(2008)0762	Summary
04/12/2008	Committee referral announced in Parliament, 1st reading		
21/04/2009	Vote in committee, 1st reading		Summary
27/04/2009	Committee report tabled for plenary, 1st reading	A6-0276/2009	

05/05/2009	Debate in Parliament		
06/05/2009	Decision by Parliament, 1st reading	T6-0363/2009	Summary
06/05/2009	Results of vote in Parliament		
27/07/2009	Act adopted by Council after Parliament's 1st reading		
16/09/2009	Final act signed		
16/09/2009	End of procedure in Parliament		
20/10/2009	Final act published in Official Journal		

Technical information

Procedure reference	2008/0214(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/6/70155

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE416.636	17/12/2008	
Amendments tabled in committee		PE419.845	27/01/2009	
Amendments tabled in committee		PE423.757	01/04/2009	
Committee report tabled for plenary, 1st reading/single reading		A6-0276/2009	27/04/2009	
Text adopted by Parliament, 1st reading/single reading		T6-0363/2009	06/05/2009	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03673/2009/LEX	16/09/2009	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0762	19/11/2008	Summary
Commission response to text adopted in plenary	SP(2009)3616	07/07/2009	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0335/2009	25/02/2009	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2009/0114
OJ L 274 20.10.2009, p. 0025 Summary

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

2008/0214(COD) - 19/11/2008 - Legislative proposal

PURPOSE: to amend Council Directive 87/372/EEC (GSM Directive) in order to remove the limitation on the use of the 900 MHz band to one service only and thereby open up the band to additional networks.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: the move to the second generation cellular digital mobile communications system, called GSM, was seen as a unique opportunity to establish truly pan-European mobile communications. New technological developments now allow for new digital technologies capable of providing innovative pan-European broadband services in coexistence with GSM in the 900 MHz band. This band is particularly valuable as it has good propagation characteristics, covering greater distances than higher frequency bands, and allowing modern voice, data and multimedia services to be extended into less populated and rural areas.

The GSM Directive in its current version prohibits the use of the 900 MHz band by other pan-European systems, such as UMTS, and is therefore an obstacle to the development of the information society in the EU.

In order to allow the 900 MHz band to be used by a variety of pan-European services in line with Community policy objectives and the market demand for mobile communications, it is proposed to amend Directive 87/372/EEC to open the band to additional, more advanced pan-European broadband communications services where these can coexist with GSM, and then have the Commission adopt a Decision under the Radio Spectrum Decision to harmonise the necessary technical conditions for the use of this band.

The proposed Directive should allow a wider choice of services and technologies and thereby to maximise competition in the use of the bands so far covered by the GSM Directive, while ensuring that services remain coordinated and safeguarding the continued operation of GSM. To this end, the use of this spectrum would be allowed not only for GSM, but also for pan-European electronic communication services other than GSM. As a first step, this would include UMTS while acknowledging that other systems may also be able to co-exist in these bands.

On the implementation of this Directive, Member States should examine whether the liberalisation of the use of the 900 MHz spectrum band could possibly result in competitive distortions. If they conclude that this is the case, 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 in accordance with Directive 2002/20/EC of the European Parliament and of the Council on the authorisation of electronic communications networks and services (Authorisation Directive).

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.

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

2008/0214(COD) - 06/05/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 578 votes to 15, with 32 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a directive 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.

The amendments are the result of a compromise agreement between Parliament and Council.

Parliament recalled in the recitals that 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 so-called 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. 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 that should be examined together with other issues of the Community's wireless access policy in the future radio spectrum policy programmes, to be adopted in accordance with Directive 2002/21/EC (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 (RSPG).

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.

Parliament adds 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 they can co-exist with GSM systems.