Basic information

2016/0027(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
Use of the 470-790 MHz frequency band in the Union **Subject** 3.30.01 Audiovisual industry and services 3.30.05 Electronic and mobile communications, personal communications	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, Research and Energy	TOIA Patrizia (S&D)	01/03/2016
	Shadow rapporteur HÖKMARK Gunnar (PPE) BASHIR Amjad (ECR) ROHDE Jens (ALDE) LÓPEZ BERMEJO Paloma (GUE/NGL) REIMON Michel (Verts/ALE) BORRELLI David (EFDD) KAPPEL Barbara (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
REGI Regional Development	The committee decided not to give an opinion.	
CULT Culture and Education	MAULLU Stefano (PPE)	29/02/2016

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3531	2017-04-25

European Commission	Commission DG	Commissioner
	Communications Networks, Content and Technology	ANSIP Andrus

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
02/02/2016	Legislative proposal published	COM(2016)0043	Summary
04/02/2016	Committee referral announced in Parliament, 1st reading		
10/11/2016	Vote in committee, 1st reading		
10/11/2016	Committee decision to open interinstitutional negotiations with report adopted in committee		
14/11/2016	Committee report tabled for plenary, 1st reading	A8-0327/2016	Summary
26/01/2017	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2017)001495 PE601.020	
14/03/2017	Debate in Parliament		
15/03/2017	Decision by Parliament, 1st reading	T8-0082/2017	Summary
15/03/2017	Results of vote in Parliament		
25/04/2017	Act adopted by Council after Parliament's 1st reading		
17/05/2017	Final act signed		
17/05/2017	End of procedure in Parliament		
25/05/2017	Final act published in Official Journal		

Technical information

Procedure reference	2016/0027(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 114
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/8/05666

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE580.792	30/05/2016	
Committee opinion	CULT	PE578.762	24/06/2016	
Amendments tabled in committee		PE585.601	06/07/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0327/2016	14/11/2016	Summary
Text agreed during interinstitutional negotiations		PE601.020	02/03/2017	
Text adopted by Parliament, 1st reading/single reading		T8-0082/2017	15/03/2017	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2017)001495	20/01/2017	
Draft final act	00005/2017/LEX	17/05/2017	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0043	02/02/2016	Summary
Document attached to the procedure	SWD(2016)0019	02/02/2016	
Document attached to the procedure	SWD(2016)0020	02/02/2016	
Commission response to text adopted in plenary	SP(2017)309	16/05/2017	
Follow-up document	COM(2026)0385	23/07/2026	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2016)0043	31/03/2016	
Contribution	IT_SENATE	COM(2016)0043	06/04/2016	
Contribution	IT_CHAMBER	COM(2016)0043	20/05/2016	
Contribution	FR_ASSEMBLY	COM(2016)0043	27/01/2026	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
	Economic and Social Committee:			

EESC	opinion, report	CES1497/2016	25/05/2016	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Decision 2017/0899 OJ L 138 25.05.2017, p. 0131	Summary

Use of the 470-790 MHz frequency band in the Union

2016/0027(COD) - 14/11/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by Patrizia TOIA (S&D, IT) on the proposal for a decision of the European Parliament and of the Council on the use of the 470-790 MHz frequency band in the Union.

The committee recommended that the European Parliament's position adopted at first reading following the ordinary legislative procedure should ament the Commission proposal as follows:

Flexibility option: the Commission proposal stipulated that by 30 June 2020, Member States shall allow the use of the 694-790 ('700 MHz') MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services only under harmonised technical conditions set by the Commission.

Members proposed that Member States may **delay the making available of the band for up to two years on the basis of duly justified reasons**. Where a Member State does so, it shall inform other Member States and the Commission accordingly and shall include those duly justified reasons in its national roadmap.

Member States that delay the use of the 700 MHz frequency band shall **cooperate with neighbouring Member States** with a view to coordinating the process of releasing the band for wireless broadband electronic communications services.

This Decision is without prejudice to the right of Member States to organise and use their spectrum for the purposes of public order, public security and defence.

Transfer or leasing of the rights of use of spectrum: the proposal stipulates that, by 30 June 2022, Member States must allow the transfer or leasing of the rights of use of spectrum for electronic communications services in the 700 MHz frequency band.

Member States shall allow the transfer or leasing of the rights of use of spectrum for terrestrial systems capable of providing wireless broadband electronic communications services in the 700 MHz frequency band, in accordance with open and transparent procedures, **as from the date of the granting of such rights**.

Use of the 700 MHz frequency band or amendments to existing rights: when Member States authorise the use of the 700 MHz frequency band or amend existing rights to use the 700 MHz frequency band, they shall take all necessary measures to ensure a **consistent and continuous** high-quality level of coverage of their entire population and territory, at the fastest possible broadband speeds, and at least 30 Mb/s both indoors and outdoors, including coverage in predetermined national priority areas where necessary, and along major terrestrial transport paths, for the purpose of allowing wireless applications and European leadership in new digital services to contribute effectively to Union economic growth.

In addition, Member States may take due account of the opportunity to ensure that **Mobile Virtual Network Operators** (MVNOs) are able to obtain wholesale access to spectrum and of the opportunity to increase the geographical coverage of MVNOs.

The Commission shall facilitate, where feasible, the option of jointly organised auctions, thus contributing to **pan European structures**.

Audiovisual media services to mass audiences: the proposal obliges Member States to ensure that the 470-694 MHz frequency band (below 700 MHz), or part of it, is available for the terrestrial provision of audiovisual media services to mass audiences and for use by wireless audio programme making and special events equipment (PMSE).

Members proposed that Member States shall ensure **availability until 2030** of the 470-694 MHz frequency band for the terrestrial provision of broadcasting services to mass audiences, including free television and innovative user-driven initiatives, and for use by wireless audio PMSE equipment, based on **national broadcasting needs** and taking into account the principle of **technological neutrality**.

Each Member State shall ensure that any other use of the 470-694 MHz frequency band on its territory is compatible with its national broadcasting needs and does not cause harmful interference with the terrestrial provision of broadcasting services in a neighbouring Member State.

National roadmap: Members considered it necessary for the Member States to adopt and make public their national plan and schedule ('national roadmap') as soon as possible and in any event **no later than 30 June 2018**.

Member States may, where appropriate and in accordance with Union law, ensure that the direct cost, in particular for end-users, of migration or reallocation of spectrum use is **compensated adequately, promptly**, and in a transparent manner, in order to facilitate the transition in spectrum use to more spectrum-efficient technologies such as DVB-T2 or HEVC.

Impact assessment: by **1 January 2023** (as opposed to 1 January 2025), the Commission shall carry out an assessment and report to the Council and Parliament on developments in the use of the 470-960 MHz frequency band, with a view to developing a common position on the review of that frequency band at the World Radiocommunication Conference in 2023.

The assessment shall take into account technological developments, changes in consumer behaviour but also the requirements in connectivity to foster growth and innovation in the Union.

Use of the 470-790 MHz frequency band in the Union

2016/0027(COD) - 15/03/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 614 votes to 44, with 28 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council on the use of the 470-790 MHz frequency band in the Union.

Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Flexible approach: Member States should be able to **delay**, on the basis of duly justified reasons, allowing the use of the 700 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services beyond a common Union deadline of 2020 **for up to two years**.

The reasons for such a delay should be limited to:

- unresolved cross-border coordination issues resulting in harmful interferences;
- the need to ensure, and the complexity of ensuring, the technical migration of a large amount of the population to advanced broadcasting standards;
- the financial costs of transition exceeding the expected revenue generated by award procedures;
- force majeure.

In the event that Member States delay allowing the use of the 700 MHz frequency band, they should **inform the other Member States and the Commission** accordingly and include the duly justified reasons therefor in their national roadmaps. Such Member States and any Member States affected by the delay should **cooperate** with a view to coordinating the process of releasing the 700 MHz frequency band.

As soon as possible and no later than **30 June 2018**, Member States shall adopt and make public their national plan and schedule (national roadmap).

Transfer or leasing of the rights of use of spectrum: upon the granting of the rights of use in the 700 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services, Member States shall allow the transfer or leasing of such rights in accordance with open and transparent procedures pursuant to the applicable Union law.

Use of the 700 MHz frequency band or amendments to existing rights: when Member States authorise the use of or amend existing rights to use the 700 MHz frequency band, they shall take due account of the need to achieve the target speed and quality objectives set out in Decision No 243/2012/EU (minimum target speeds of 30 Mbps), including coverage in predetermined national priority areas where necessary, such as along major terrestrial transport paths.

Frequency band inferior to 700 MHz: Member States shall ensure availability at least **until 2030** of the 470-694 MHz ('sub-700 MHz') frequency band for the terrestrial provision of broadcasting services, while taking into account the principle of technological neutrality.

Pivotal role of the EU: the amended text stressed that the Union needs to take the lead by securing enough spectrum for the successful launch and development of **5G**. It made reference to the resolution of 19 January 2016 in which it called on the European Parliament to highlight that radio spectrum is essential for the future competitiveness of the Union.

Use of the 470-790 MHz frequency band in the Union

2016/0027(COD) - 17/05/2017 - Final act

PURPOSE: to coordinate spectrum use of the 470-790 MHz frequency band in the Union according to common objectives.

LEGISLATIVE ACT: Decision (EU) 2017/899 of the European Parliament and of the Council on the use of the 470-790 MHz frequency band in the Union.

CONTENT: the aim of the Decision is to **ensure the coordinated use of the 700 MHz frequency band** in order to enhance mobile connectivity and facilitate the roll out of 5G technology.

The coordinated use of the 700 MHz band should enable the deployment of innovative new digital services in urban areas as well as in rural and remote areas, such as on-line health services, smart energy networks and connected cars.

Access to the use of the 700 MHz frequency band: the Decision sets the Member States two binding deadlines for the reallocation of the spectrum use the 700 MHz frequency band to wireless broadband:

(1) Member States shall conclude, by 31 December 2017 at the latest, all the necessary cross-border frequency-coordination agreements within the Union.

(2) By 30 June 2020, Member States shall allow the use of the 700 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services.

Member states may, however, **delay this reallocation by up to two years**, but only in duly justified cases set out in the decision.

A Member State that delays allowing the use of the 700 MHz frequency band and the Member States affected by that delay shall **cooperate** with each other with a view to coordinating the process of releasing the 700 MHz frequency band for wireless broadband electronic communications services.

In the event that Member States delay allowing the use of the 700 MHz frequency band, they should inform the other Member States and the Commission accordingly and include the duly justified reasons therefor in their **national roadmaps**. These shall be adopted and published as soon as possible and no later than 30 June 2018.

Broadcasting services: Member States shall ensure availability at least **until 2030 of the 470-694 MHz ('sub-700 MHz') frequency band** for the terrestrial provision of broadcasting services, including free television, and for use by wireless audio programme-making and special (PMSE). Member States shall ensure that any other use of the sub-700 MHz frequency band on their territory is compatible with the national broadcasting needs in the relevant Member State and does not cause harmful interference to, or claim protection from, the terrestrial provision of broadcasting services in a neighbouring Member State.

Authorisation for the use of the 700 MHz band: when Member States authorise the use of or amend existing rights to use the 700 MHz frequency band, they shall take due account of the need to achieve the target speed and quality objectives set out in Decision No 243/2012/EU of the European Parliament and of the Council, including coverage in predetermined national priority areas where necessary, such as along major terrestrial transport paths.

This Decision refers to the resolution of 19 January 2016 entitled 'Towards a Digital Single Market Act', in which the European Parliament reminded the Member States of their commitment to reach full deployment of at least minimum **target speeds of 30 Mbps** by 2020.

The Commission shall report to the European Parliament and to the Council on developments in the use of the sub-700 MHz frequency band.

ENTRY INTO FORCE: 14.6.2017.

Use of the 470-790 MHz frequency band in the Union

2016/0027(COD) - 02/02/2016 - Legislative proposal

PURPOSE: to ensure coordinated transition in spectrum use of the 470-790 MHz frequency band in the Union according to common objectives.

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: rapidly growing wireless broadband traffic makes **enhanced wireless network capacity a necessity**. Wireless connectivity requires access to spectrum in the bands below 1 GHz, being the sweet spot for both wide coverage and high speeds.

In its strategy for the digital single market (DSM), the Commission highlights the **importance of the 694-790 MHz ('700 MHz') frequency band** for ensuring the provision of broadband services in rural areas and stresses the need for a coordinated release of that frequency band, while accommodating the specific needs of audiovisual media services distribution.

At present the UHF broadcasting band comprises the range of frequencies from 470 to 790 MHz (the 'UHF band'). This band is used for digital terrestrial television (DTT) and audio programme making and special events ('audio PMSE') equipment, essentially wireless microphones.

The 2012 World Radiocommunication Conference (WRC-12), the International Telecommunications Union (ITU) Conference that revises the binding Radio Regulations, decided that the 700 MHz band should be allocated to both the broadcasting and mobile service in Region 1 (Europe and Africa) as of 2015.

The absence of a Union-wide common legislation for the UHF band would create detrimental fragmentation in the use of the UHF band within the Union.

The Commission responded to the outcomes of the European stakeholder process and international agreements under the aegis of the ITU by developing a strategy for the Union on the long-term use of the UHF band. The strategy will promote the digital single market and ensure efficient management of radio spectrum in the UHF band, reflecting its social, cultural and economic value.

The UHF band strategy has three major strands:

- harmonised technical conditions for wireless broadband electronic communications services in the 700 MHz frequency band based on the principle of technology and service neutrality;
- a **common deadline for making the 700 MHz band available** for effective use for wireless broadband electronic communications services in line with the harmonised technical conditions above, and coordination measures to support this transition;
- priority for distribution of audiovisual media services (AVMS) in the sub-700 MHz frequency band in conjunction with a flexible approach to how the band is used; this is necessary to cater for diversity regarding the market significance of DTT in Member States.

This proposal contributes to the **target of 1200 MHz for wireless broadband**, which is one of the key objectives of Decision 2012/243/EU of the European Parliament and the Council establishing a multiannual radio spectrum policy programme (RSPP).

IMPACT ASSESSMENT: the preferred option chosen by the Commission seeks to reach the following strategic objectives: (i) coordinated designation and authorisation of the 700 MHz frequency band for wireless broadband by 2020; (ii) coordinated designation of the sub-700 MHz frequency band for flexible use, subject to national demand, which would safeguard the continued provision of audiovisual media services to a mass audience (in a technology-neutral way), including free-to-view distribution, as well as spectrum availability for audio PMSE use.

CONTENT: in accordance with the UHF band strategy, this proposal lays down **two binding common deadlines for Member States for repurposing the 700 MHz frequency band for wireless broadband**:

- cross-border coordination agreements must be completed by the **end of 2017**;
- the 700 MHz frequency band must be made available for effective use for wireless broadband electronic communications services **by mid-2020** .

In addition, the proposal also:

- requires Member States to consult on at national level and consider taking measures to **ensure a high-quality level of coverage of their population and territory** when they grant rights of use of the 700 MHz band for wireless broadband electronic communications services;
- deals with the **long-term use of the sub-700 MHz frequency band**. It requires Member States to safeguard use of this band in the long term for the distribution of audiovisual media services to a mass audience (or to the general public). This should include continued use for wireless audio PMSE, in accordance with national priorities;
- requires Member States to **adopt and communicate across the Union their national roadmaps** on repurposing the 700 MHz frequency band for wireless broadband and the related transition process for the whole UHF band;
- requires the Commission to **conduct by 2025 a review of spectrum use in the sub700 MHz frequency band** in cooperation with the Member States and report its conclusions together with any proposal for regulatory changes, which might, for example, change the substance or format of safeguards or their duration.