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Communications Services: Policy and Regulatory Framework
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RADIO SPECTRUM COMMITTEE

Working Document

Opinion of the RSC

pursuant to Article 3.2 of Radio Spectrum Decision 676/2002/EC

Subject: **Opinion of the RSC on a draft Commission Mandate to CEPT on SRD radio spectrum harmonisation.**

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1. INTRODUCTION

At the last RSC meeting (RSC#6), the Commission services introduced document RSCOM03-37 on strengthening the Internal market for generally authorised radiocommunications applications. That document underlines the need for further harmonisation of frequency bands regarding relevant classes of Short Range Devices (SRDs) and, as a first step, proposes to issue a CEPT Mandate to identify and prioritise future harmonisation work.

As this proposal was generally welcomed by Member States, the Commission services have taken due note of the comments from Member States and produced a draft Mandate which is attached.

The RSC is hereby requested to give its opinion on the attached draft mandate in accordance with the procedure laid down in Article 3.2 of the Radio Spectrum Decision 676/2002/EC.

DRAFT

Mandate to CEPT to analyse further harmonisation of frequency bands in use for Short Range Devices (SRDs).

1. PURPOSE

To mandate CEPT to identify and prioritise further spectrum harmonisation of relevant classes of short range devices (SRDs), and propose a target implementation time table.

2. JUSTIFICATION

Pursuant to Article 4 of the Radio Spectrum Decision[1], the Commission may issue mandates to the CEPT for the development of technical implementing measures with a view to ensuring harmonised conditions for the availability and efficient use of radio spectrum. Such mandates shall set the task to be performed and the timetable therefor.

SRDs are key enablers for a range of applications (e.g. RLANs, medical implants, telemetry, RFIDs) supporting the implementation of important EU policies. For instance, increased harmonisation of frequency use and equipment should improve the prospects of a genuine Internal Market for SRDs. Market developments of SRDs are highly dependent on economies of scale and it is therefore important that the potential of the Internal Market be exploited to its fullest extent by ensuring that harmonised frequencies and conditions of use are available in a timely fashion.

Co-ordinated action on SRDs carried until now in the context of the CEPT Recommendation ERC REC 70-03 has achieved some notable harmonisation on a voluntary basis. However, in view of the expansion of the European Union and of the increasing proliferation of short-range devices, the current regulatory situation of SRDs in the European Union requires further attention, in particular:

- Radio spectrum and equipment harmonisation should be accelerated, in order to strengthen the single market in radio-based applications and to ensure EC-wide regulatory coherence where beneficial;
- Harmonised conditions of use should be simplified to assist in the rapid and cost-effective introduction of new applications;
- Legal certainty for manufacturers and users across the EU should be improved;
- Regulation to support long-term pro-innovation policies should be developed.

This Mandate aims to address the harmonisation of conditions of use of SRDs in a generic sense, in an approach similar and complementary to REC 70-03. Specific

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[1] Decision 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community, OJ L 108 of 24.4.2002, p.1.

mandates on SRDs such as RLAN, SRR or UWB have already been addressed to CEPT, and such mandates ought to be considered as reference on such issues.

3. MAIN EU POLICY OBJECTIVES

In considering priorities for further harmonisation of frequencies in use for SRDs, EU priorities and policy objectives should be duly taken into account. Here are some notable ones:

3.1. Horizontal policy objectives

Consolidation of the Internal Market: the creation of a genuine common market for goods, finances, services and persons by the removal of existing barriers is one of the most important objectives and areas of action of the European Community. As most SRDs are mass market products, the internal market dimension is of paramount importance in terms of increasing economies of scale and lowering costs for consumers and suppliers. The affordability of SRD equipment should in turn accelerate market developments and contribute to support the vertical Community policy objectives described later in this section.

Competition: facilitating the single market also increases competition, a simple and efficient means of guaranteeing a wider choice of consumer products and services of excellent quality at competitive prices. Competition also contributes to the competitiveness of European industry. In this context, proposed measures regarding SRDs should aim at stimulating industrial investments, by increasing legal certainty, facilitating technical standardisation and lowering barriers to entry.

Promotion of innovation and research: the market for SRDs is also characterised by a high degree of innovation. SRD technology is one of the fastest-evolving segment of the radiocommunications equipment market and is paving the way for the emerging "ambient computing" society. SRDs are also a powerful vector of innovation in the field of efficient use of spectrum and pioneering spectrum management approaches (e.g. with regards unlicensed bands, smart radio concepts, underlay technologies) It is therefore the responsibility of regulators to facilitate the development of the emerging SRD market and allow stakeholders to explore the best uses of promising technologies.

3.2. Vertical policy objectives

Information society: the European Union's goal for this policy is to ensure that Europe's citizens, businesses and governments can be provided with increasingly rich, advanced and diversified information services. SRDs support several aspect of this objective: for instance, Radio Local Area Network (RLAN) equipment enables advanced broadband radio access and is a key contribution to the *eEurope* broadband objectives[2]. Part of *eEurope* are sector-specific initiatives for *eInclusion* and *eHealth*, which also can be supported by SRD technology, as well as the objectives of enabling mobility and of reducing the "digital divide" in society.

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[2] http://europa.eu.int/information_society/eeurope/2005/index_en.htm

Collaboration in Civil Protection and in Justice & Home Affairs: SRDs also play an indispensable role in the case of many security applications (e.g. devices for detecting avalanche victims, alarms, identification systems such as RFIDs) which can assist in the protection of people and property, including across borders.

Transport: the common transport policy aims to develop an integrated and safe transport system in the European Union, inclusive of all transport modes. Several types of SRDs support directly or indirectly this objective, to name a few: Radio Frequency Identification (RFIDs) systems, Automotive Short Range Radars (Automotive SRRs), Automatic Vehicle Identification for Railways (AVI), Road Transport & Traffic Telematics (RTTT) systems.

4. SPECIFIC OBJECTIVES

With this proposed Mandate, the European Commission wishes to:

- support the availability of Class I equipment under the R&TTE Directive 1999/5/EC[3] by increasing both the number of SRD categories and the frequency ranges with this status;
- strengthen the legal basis of Class I equipment, by ensuring that when conditions of use for specific equipment are harmonised across the EU, such common regulations are rapidly implemented in national legislation and remain harmonised;
- endeavour to provide more permissive conditions of use for short-range devices, (including inductive applications), to harmonise European regulations on the least restrictive limitations compatible with the need to avoid harmful interference, and to explore the possibility for a general authorisation for operation below a common power threshold;
- take into consideration the benefits of identifying bands for generic SRD usage instead of for specific applications. Such bands should be available for Class I equipment usage as far as possible;
- provide additional harmonised bands to emerging types of SRDs as needs evolve. In this context, particular consideration should be given to general authorisations and very limited frequency regulation;

ECC Recommendation 70-03 itself does not specify target deadlines for implementation, nor set priorities. Therefore, specific target deadlines for harmonisation at EU level of the classes in the Recommendation should be developed as a key activity under this mandate. A prioritised time table should allow the stakeholders to effectively monitor progress and ensure that harmonisation of conditions for radio spectrum use is achieved within the agreed time frame.

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[3] Equipment classes in this paper refer to the definition by Article 4.1. of the R&TTE Directive and the related Commission Decision of 6 April 2000 establishing the initial classification of Radio Equipment and Telecommunications Terminal Equipment and associated identifiers.

5. ORDER AND SCHEDULE

CEPT is mandated to carry out activities intended to support the objectives and policies presented above, and in particular to:

- review the status of national implementation of Recommendation ERC REC 70-03, including an analysis of outstanding restrictions on conditions of use, in particular for frequency bands related to SRDs already pertaining to Class I equipment, with a view to remove them as far as possible;

- propose a common approach and a set of priorities for further harmonisation of frequencies for SRDs at EU level in the light of the harmonisation work achieved so far and of the main policies stated above. The proposal should also include a general definition of equipment that shall be considered as SRD under this initiative, an assessment of feasibility of further harmonisation, as well as a consideration for identifying additional harmonised bands for generic SRD applications, and an ambitious, but achievable, target implementation time table;

The deliverables for this Mandate will be an interim report and the final report subject to the following delivery dates:

- **15 September 2004**: Submission of a interim report to the Commission and the RSC giving initial findings, preliminary proposals or strategies, commenting on the progress of the work.

- **15 November 2004**: Submission of the final report to the Commission and the RSC.

In implementing this mandate, the CEPT shall, where relevant, take the utmost account of Community law applicable, notably the R&TTE Directive 1999/5/EC, and to support the generic principles of technological neutrality and proportionality.

The Commission, with the assistance of the Radio Spectrum Committee as per the Radio Spectrum decision, may consider to apply the results of this Mandate in the European Community, and to issue further mandates to CEPT on this matter.

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