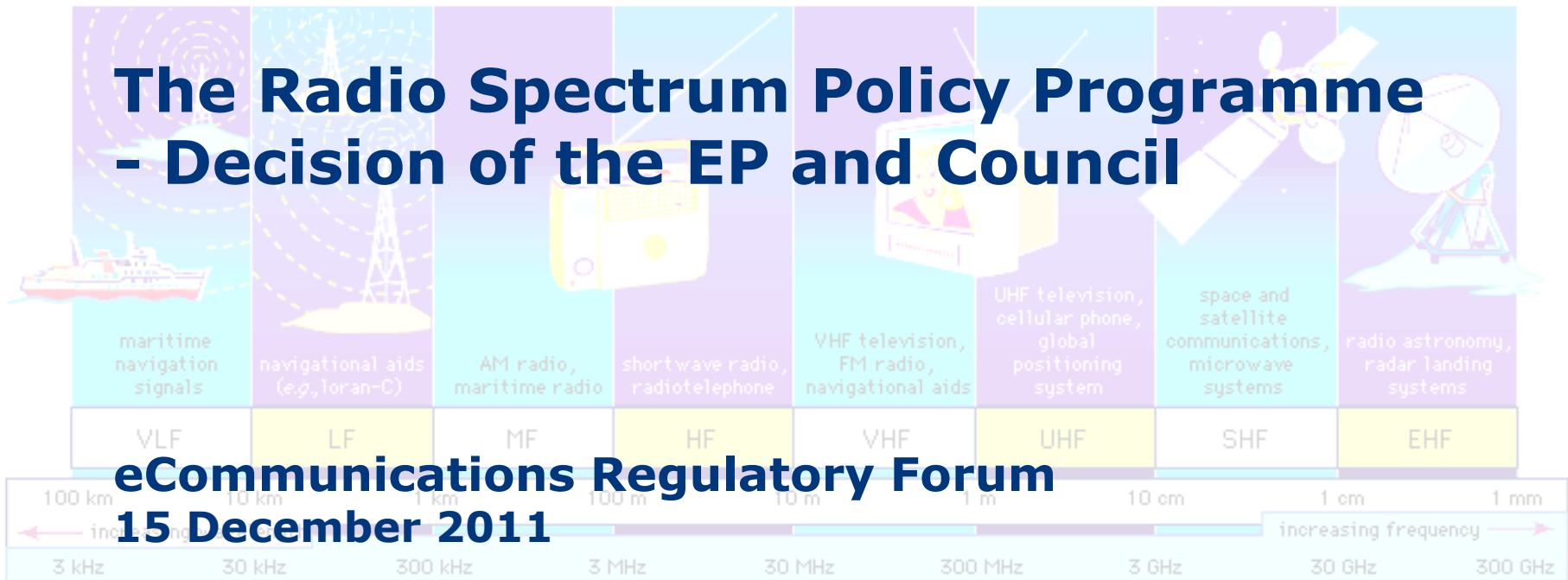


The Radio Spectrum Policy Programme - Decision of the EP and Council



Scope of the Decision

- Multi-annual radio policy programme – for the strategic planning and harmonisation of use of spectrum between 2012 and end 2015;
- Adopted yesterday by Council; early 2012 by EP;
- Without prejudice to measures taken at national level pursuing GIOs, in particular those relating to content regulation and audiovisual policy;
- Without prejudice to the use of spectrum for public order, public security and defence;
- Covers spectrum use beyond electronic communications;
- Main highlights are the digital dividend and the setting up of an inventory of spectrum use.



Regulatory Principles

General

- Applying the most appropriate and least onerous authorisation system possible;
- Fostering the development of the internal market by promoting emergence of union-wide services and effective competition;
- Promoting technology and service neutrality where possible.

Electronic Communications

- Applying technology and service neutrality;
- Promoting the harmonisation of use of spectrum across the EU;
- Facilitating increased wireless data traffic and availability of broadband services.

Policy objectives (MS and the CION to



- Encourage efficient management and use of spectrum;
- Seek to allocate sufficient and appropriate spectrum to support the EU policy objectives – 1200MHz of spectrum for wireless data traffic by 2015 (includes spectrum already in use);
- Contribute to the Digital Agenda targets;
- Promote innovation and investment through flexibility in the use of spectrum (T&SN, harmonised spectrum and spectrum trading);
- Facilitating access to spectrum through general authorisations;
- Encourage passive infrastructure sharing;
- Maintain and develop effective competition; avoid accumulation through ex-ante and ex-post measures;
- Avoiding harmful interference or disturbance by radio and non-radio devices through standards.

Enhanced efficiency and flexibility (MS and/or the Commission to...)

- Adopt allocation and authorisation measures appropriate for the development of broadband services by 1 January 2013;
- Put in place selection criteria and procedures for granting rights of use that promote competition, investment and efficient use;
- Ensure effective use and avoid hoarding by taking appropriate measures such as financial penalties, incentive fees tools and withdrawal of rights;
- Foster the collective use and shared use of spectrum, cognitive radio, the usage of “white” spaces;
- Foster the development and harmonisation of standards for equipment;
- Commission in cooperation with MS to facilitate the identification and sharing of best practices of authorisation conditions and procedures and encourage sharing of info for such bands.

Competition

In avoiding distortions of competition in line with the FW, MS may:

- limit the amount of spectrum granted to any undertaking;
- attach conditions such as provision of wholesale access and roaming;
- reserve part of a band for assignment to new entrants;
- refuse granting rights of use / allow new spectrum uses in certain bands;
- attach conditions in order to avoid distortion of competition by any assignment, transfer or accumulation of rights;
- prohibit transfers when these are likely to result in significant harm to competition;
- amend existing rights when necessary to remedy ex-post the distortion of competition by transfer or accumulation.

Spectrum needs for wireless broadband communications ...



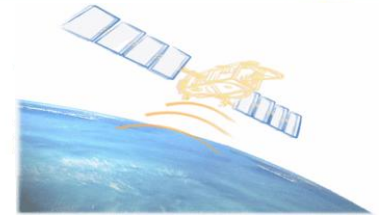
- Ensure sufficient spectrum coverage and capacity within the EU – “for the Union to have the fastest broadband speeds in the world and achieving the DEA targets”;
- Subject to market demand, MS to carry out the authorisation process of the following bands by 1 Jan 2013: 3.4-3.8GHz, 2.3-2.69GHz and 900/1800MHz;
- MS to carry out the authorisation process to allow the use of the 800MHz band for ECS by 1 Jan 2013. Commission shall grant derogations until 31 Dec 2015 for MS with exceptional national circumstances or cross-border frequency coordination problems prevent the availability of the band. Exceptional annual derogations to MS with cross-border coordination problems;
- MS and Commission to promote access to broadband on the 800MHz band in remote and sparsely populated areas;

... Spectrum needs for wireless broadband communications



- The following bands are to be made transferable: 790–862 MHz, 880–915 MHz, 925–960 MHz, 1710–1785 MHz, 1805–1880 MHz, 1900–1980 MHz, 2010–2025 MHz, 2110–2170 MHz, 2,5–2,69 GHz, and 3,4–3,8 GHz;
- MS to foster the upgrade of ECN to the latest, most efficient technologies;
- Commission to assess the justification and feasibility of extending allocations of unlicensed spectrum for wireless access systems;
- Commission to explore availability of spectrum for broadband satellite services enabling internet access;
- MS and Commission to examine spreading the availability and use of picocells and femtocells.
- Commission to report EP and Council by Jan 2015 whether there is a need for action to harmonise additional bands.

Spectrum needs for other specific Union policies



- MS and Commission to ensure spectrum availability for monitoring the Earth's atmosphere and surface (space applications, intelligent transport systems, GNSS etc.);
- Spectrum for wireless technologies with the potential for improving energy saving (eg. smart energy grids, smart metering systems);
- Sufficient spectrum for the development of safety services, scientific community, R&D, PMSE, RFID, IoT.

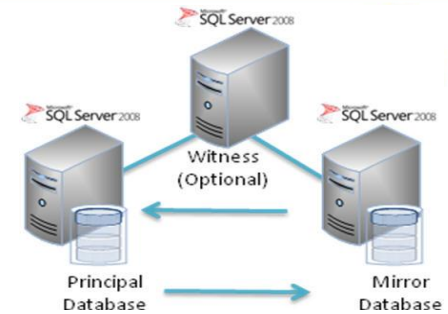
Inventory

Establishment of inventory of existing spectrum use:

- identification of bands in which efficiency can be improved;
- identification of bands suitable for spectrum-sharing opportunities;
- identification of bands suitable for allocation and re-allocation to improve efficient use, promote innovation and competition;
- identification of types of use of the spectrum by private and public sector.

Commission to:

- develop practical arrangements and format for data collection taking into account the administrative burden on administrations;
- develop a methodology for the analysis of technology trends, future needs and demand for spectrum and thereby submit a report on results of the analysis to EP and Council.



International Negotiations

- When the subject matter of international negotiations falls within the competence of the EU, an EU position is to be established;
- When international agreements fall partly within the competence of EU and partly MS close cooperation is essential;
- Support on frequency coordination in bilateral negotiations with countries neighbouring the EU.



www.mca.org.mt