

## ROADMAP

Title of the initiative: **Proposal on the Radio Spectrum Policy Programme (RSPP)** to be adopted by co-decision by EP and Council  
Type of initiative (CWP/Catalogue/Comitology): CWP  
Lead DG:INFSO  
Expected date of adoption of the initiative (month/year): June 2010  
Date of modification:  
Version No:

### Initial IA screening & planning of further work

#### **A. Context and problem definition**

(i) What is the political context of the initiative? (ii) How does this initiative relate to past and possible future initiatives, and to other EU policies?

Radio Spectrum is a key resource for many essential services in society: mobile, satellite communications, TV and radio broadcasting, transport, radio location (GPS/Galileo), and many other applications (medical equipment, alarms, remote controls, hearing aids, microphones, etc.). Radio technology also supports public services such as defence, security/safety and scientific activities (e.g. meteorology, Earth observation, radio astronomy and space research).

Radio spectrum policy is recognised as a matter of strategic importance for the European Union. A coordinated spectrum policy in the EU aims to enhance a genuine single market for radio services and equipment. Furthermore it contributes to competitiveness and economic growth while satisfying some of the important social, cultural and economic needs of European citizens e.g. by creating new opportunities for innovation, stimulating economic recovery and bridging social divide, thereby contributing to the objectives of the Europe 2020 strategy. Spectrum management has a strong cross-border dimension, given the European and global markets dependent on radio-based services, as well as the need to avoid harmful interference between countries.

Radio spectrum is becoming essential to develop the digital society, to roll-out high speed wireless services, to promote economic recovery and growth, and to ensure high-quality jobs and long term EU competitiveness, through terrestrial and satellite applications. Implementing a co-ordinated EU spectrum policy will therefore be instrumental to the broader 'Digital Agenda for Europe' and the 'Europe 2020' initiative, a European strategy for smart, sustainable and inclusive growth.

The recently adopted legislation on the regulatory framework for electronic communications foresees that the Commission may submit a multi-annual Radio Spectrum Policy Programme (RSPP) to be adopted by the European Parliament and the Council of Ministers. The general objective to be achieved by the RSPP is stated in Article 8a(3) of the Framework Directive: "Such programmes shall set out the policy orientations and objectives for the strategic planning and harmonisation of the use of radio spectrum in accordance with the provisions of this Directive and the Specific Directives."

In line with the Framework Directive the Commission has requested the Radio Spectrum Policy Group (composed of high-level officials from the Member States) to provide a formal opinion on the Programme. It was also a subject at the Spectrum

Summit that took place on 22 and 23 March 2010, and which demonstrated a clear political commitment of the Member States and main interested EU institutions and stakeholders for significant reforms in the future in order to ensure that more radio spectrum will be accessible for the applications having the highest social and economic impact.

What are the main problems identified?

Radio spectrum is a scarce resource the use of which is limited by the laws of physics and technological progress. Therefore, the demand for high quality and cost effective spectrum bands often exceeds availability. The use of spectrum changes and constantly develops as new technologies emerge to allow greater and more sophisticated resources and processes to be implemented. This results in two problems:

- a) **Suboptimal use of spectrum:** Current inefficiencies in the distribution and use of spectrum create costs, lead to wasted opportunities for business and reduce the take-up of innovative technologies and services;
- b) **Growing demand for new services:** Modern society increasingly relies on technologies that make use of spectrum.

The immediate challenges that these problems represent are the following:

- More and more sensitive choices in use of spectrum;
- Stronger and more coherent vision of the manner how to use spectrum is required;
- Ever increasing significance of spectrum use for economic growth and productivity in the European internal market.

As not all the demand for spectrum can be satisfied, priorities need to be defined which ensure that spectrum is allocated and used in an efficient and effective way taking into account Community policies while ensuring the avoidance of harmful interference.

With the creation of the RSPD it will be possible to reflect on political priorities of the European Union and how these priorities translate into a strategy for radio spectrum use. Setting priorities will facilitate the development of technical implementation measures under the remit of the Radio Spectrum Decision and it should help to identify where there is added value in EU-wide harmonisation even at the level of assignment and authorisation of spectrum within the Community, in justified cases.

Who is affected?

There is a broad group of stakeholder affected ranging from the European citizens over different industries to national administrations and other European institutions.

(i) Is EU action justified on grounds of subsidiarity? (ii) Why can the objectives of the proposed action not be achieved sufficiently by Member States (necessity test)? (iii) As a result of this, can objectives be better achieved by action by the Community (test of EU Value Added)?

Yes. Radio emissions do not stop at borders. There is a high potential for added value in attaining more efficiency in the use of radio spectrum within the European Union by addressing following potential drawbacks of a unilateral approach of Member States.

- Lack of coherence of national approaches might hamper the usability of the spectrum and might lead to a fragmentation of the European internal market;
- Lack of EU coordination resulting in cross border interference might prevent Member States to allocate radio spectrum to its best uses;
- Lack of economies of scale and pan-European coverage of services may hurt the European economy and deter investments;

- Coordination with third countries and international representation of common interests might be more difficult and less fruitful if Member States act unilaterally and not unified under the umbrella of the European Union;
- Lack of clear and measurable political objectives, agreed among the institutions, may delay important European initiatives that depend or benefit from strategic actions in the area of radio spectrum use.

The objective of the Radio Spectrum Policy Programme is to identify the policy areas where an added value exists and to define measures in these in line with subsidiarity and proportionality.

## **B. Objectives of EU initiative**

What are the main policy objectives?

The first Radio Spectrum Policy Programme will outline at a strategic level how the use of spectrum can contribute to the most important political objectives of the European Union from 2011 to 2014. The intended impact of the RSPP presupposes that it should cover all types of radio spectrum use. At the same time the impact should be concrete and measurable in areas that are deemed to be of sufficient importance and at the right stage of maturity. Noting that the RSPP is multi-annual, it is possible to pick and focus on the most urgent and important issues now, while leaving other important issues for the second and following programmes. In other words, the envisaged wide scope should not lead to an exhaustive list of actions, but to a set of specific strategic goals, some of them targeting horizontal EU policies and other sectoral EU policies, and targeted set of objectives to be achieved in a five year time frame, after which point in time the next RSPP would be drafted.

Do the objectives imply developing EU policy in new areas or in areas of strategic importance?

The Inter Service Steering Group is also intended to facilitate the identification of areas where radio spectrum can contribute to attaining the political priorities of the European Union, which might include new areas and/or areas of strategic importance, in line with the Europe 2020 strategy.

## **C. Options**

(i) What are the policy options? (ii) What legislative or 'soft law' instruments could be considered? (iii) Would any legislative initiatives go beyond routine up-date of existing legislation?

A reflection is needed on where the areas are where added value exists of further EU harmonisation and coordination and what measures can lead to a more efficient use of radio spectrum bringing benefit to all stakeholders from an economical, social and environmental point of view.

There are 3 possible options regarding the scope of the proposal, the Radio Spectrum Policy Programme:

- The baseline scenario that the management of radio spectrum continues under the current framework, without setting out the policy orientation and objectives in a strategy in the form of a policy programme;
- A radio spectrum policy programme is developed with the limited scope defined in the Framework Directive, namely the Electronic Communication Services;
- A radio spectrum policy programme is developed addressing all areas where radio spectrum is used.

After having identified the scope of the proposal, the impact assessment has to assess on a strategic level the following policy options:

- No strategic objective identified to be addressed under the first RSPP;
- Identification of a strategic objective to be followed by concrete actions;

- Identification of a strategic objective to be further analysed, studied and discussed.

Does the action proposed in the options cut across several policy areas or impact on action taken/planned by other Commission departments?

Yes. The Radio Spectrum Policy Programme is of cross-sectoral nature, therefore it will include areas of strategic importance like telecommunication, innovation, transport, health, safety and environment.

Explain how the options respect the proportionality principle

It is foreseen that further, individual, impact assessments will be needed for subsequent implementation of the retained option. When conducting these subsequent impact assessments of the options retained in the final version of the RSPP, the respect of proportionality principle will be analysed, taking into account the strategic nature of the programme. At this stage it is not possible to seek to engage in a fully detailed analysis of each impact, or the proportionality of each option, and the aim of this impact assessment is to identify the delineation of the individual areas corresponding to each option and assess whether EU intervention would add value and be more efficient than action at the national or regional/local level. What it is possible to assert at this stage is that a proposal for a legislative instrument defining a policy programme is fully in line with the proportionality principle, given the importance that has been placed (in the regulatory framework, in the public consultation and in the Spectrum Summit held on 22-23 March) in identifying the strategic direction of spectrum policy at EU level, and because it is not desirable to continue to take policy actions at EU level on an ad hoc basis given their impact on a number of sectors and domains in which there are varying degrees of Community competence.

#### **D. Initial assessment of impacts**

What are the significant impacts likely to result from each policy option (cf. list of impacts in the Impact Assessment Guidelines pages 32-37), even if these impacts would materialise only after subsequent Commission initiatives?

Impacts are likely to be of economic, environmental, cultural and social nature resulting from the delivery of a number of priority actions in the course of the implementation of the Radio Spectrum Policy Programme. Impacts will vary according to the area/ policy context supported by radio spectrum.

Could the options have impacts on the EU-Budget (above 5 Mio €) and/or should the IA also serve as the ex-ante evaluation, required by the Financial Regulation?

Direct impact on the EU budget is not likely.

Could the options have significant impacts on (i) simplification, (ii) administrative burden or on (iii) relations with third countries?

Due to the cross-border transmission of radio waves, changes to the use and management of spectrum almost always affect third countries. Therefore relation with third parties will have to be addressed in order to anticipate the consequences on affected countries as well as to what extent the current use of spectrum in third countries may limit the possibilities for improvement within the EU. At the recent Spectrum Summit, many stakeholders and Member States called for an increased role of EU institutions in cross-border spectrum coordination with third countries.

#### **E. Planning of further impact assessment work**

When will the impact assessment work start?

The Impact Assessment work is ongoing.

(i) What information and data are already available? (ii) Will this impact assessment build on already existing impact assessment work or evaluations carried out? (iii) What further information

needs to be gathered? (iv) How will this be done (e.g. internally or by an external contractor) and by when?

(v) What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

Relevant information and data are being gathered internally. As the proposal is a strategic document setting down the objectives and measures on a strategic level to be achieved and/or contributed to in the next 4-5 years, according to the proportionality principle the impact assessment is conducted on a similar level, defining the areas where further impact assessment are needed to be carried out on a more detailed level.

Which stakeholders & experts have been/will be consulted, how and at what stage?

A public consultation via the website of DG INFSO had been launched and ends on the 9<sup>th</sup> of April. A "Spectrum Summit" was organised with the European Parliament in March with the wide participation of stakeholders and interest groups.