



Brussels, 10 March 2005
DG INFSO/B4

FINAL

**Second Mandate to CEPT
to develop a strategy to improve the effectiveness and flexibility of spectrum
availability for Short Range Devices (SRDs)**

This mandate is issued to the CEPT without prejudice to the one-month right of scrutiny by the European Parliament, pursuant to Council Decision 1999/468/EC of 28 June 1999 (OJ L 184, 17.7.1999, p.23) on comitology procedure. This one-month period starts on 16 March 2005.

1. PURPOSE

To mandate CEPT to develop a common strategy and implementation approach to improve the effectiveness and flexibility of spectrum availability for Short Range Devices (SRDs) in the European Union.

2. JUSTIFICATION

Pursuant to Article 4 of the Radio Spectrum Decision¹, 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.

As already referred to in the original Mandate to CEPT², SRDs are key enablers for a range of applications supporting the implementation of important EU policies, including policies such as those affecting innovation, competitiveness and the functioning of the Internal Market.

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.

² Reference: RSCOM04-07 EN Final (Revised) dated 3 March 2004.

The work carried on by CEPT (SRD Maintenance Group) to date, as presented in the report of the original Mandate, has enabled a convergence between national approaches relating to spectrum for SRDs to take place. However, in view of the increasing proliferation of these devices, the regulatory situation requires considerations for long-term evolution in the European Union, in particular:

- To simplify regulatory procedures leading to the availability of spectrum for SRDs on an EU level.
- To further increase the transparency of procedures, and to accelerate the process for obtaining spectrum for SRDs;
- To lower barriers to entry regarding spectrum for SRDs and thereby supporting long-term pro-innovation policies.
- To take full advantage of economies of scale and competitiveness factors by avoiding unnecessary market fragmentation due to the divergence of national regulations.

This second Mandate aims to address the effectiveness and flexibility of spectrum availability of SRDs in a generic sense. Aspects related to the consolidation of harmonisation efforts undertaken by CEPT in the past have initially already been addressed in the response to the original Mandate. In addition, “application-specific” or “technology-specific” issues are normally addressed via separate mandates on SRDs such as RLAN, SRR or UWB which have already been addressed to CEPT, and such mandates ought to be considered as reference on such issues.

3. MAIN EU POLICY OBJECTIVES

The EU policy objectives underlying this second Mandate remain those referred to in the first Mandate (see section 3 of the original Mandate on SRDs³).

SRDs can potentially contribute significantly to horizontal policy objectives (consolidation of the internal market; creating a competitive environment; contributing to the creation of an innovative friendly environment) and play an important role in the context of sectorial policies such as the implementation of an inclusive Information Society.

4. SPECIFIC OBJECTIVES

With this proposed Mandate, the European Commission wishes to strengthen the internal market for SRDs by exploring methods and regulatory mechanisms to:

- promote more permissive conditions of use for short-range devices, (including inductive applications), harmonising European regulations on the least restrictive and justified limitations necessary to avoid harmful interference with other services, and exploring the possibility for systematically allowing operations below a common power threshold;

³ RSCOM04-07 EN Final (Revised) dated 3 March 2004.

- anticipate the future evolution of EU demand for SRD spectrum and consider the most appropriate way to be able to provide the required resources in a timely fashion;
- increase the speed and effectiveness of procedures to grant access to SRD spectrum resources on a EU level;

5. ORDER AND SCHEDULE

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

- Consider whether the current definition and scope of regulations relating to “Short Range Devices” are appropriate in the long-term, in the light of expected developments of technology and of societal use of radio applications.
- Provide a critical analysis of the strengths and weaknesses of the current regulatory system regarding spectrum identification for SRDs and review the present effectiveness of the associated procedures in the context of the EU main policies and objectives as stated above, and of best practices applied outside the European Union for this area.
- Propose a new approach for improving the harmonisation achieved thus far, as well as the flexibility of spectrum usage for Short Range Devices (SRDs) at EU level in the light of the objectives described above.

The deliverable for this Mandate will be an overall (concise) policy guidance report and a final report subject to the following delivery dates:

- **1 December 2005**: Submission of an interim report including an overall policy guidance report identifying key strategic issues and proposing directions to address them.
- **1 June 2006⁴**: Submission of the final report to the Commission, including the proposed common approach.

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 principles of technological neutrality, non-discrimination and proportionality.

The Commission, with the assistance of the Radio Spectrum Committee pursuant to 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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⁴ This final deadline should be reassessed and confirmed at the occasion of the review of the interim report in December 2005.