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European Commission

ROADMAP

Roadmaps aim to inform citizens and stakeholders about the Commission's work in order to allow them to provide feedback and to participate effectively in future consultation activities. Citizens and stakeholders are in particular invited to provide views on the Commission's understanding of the problem and possible solutions and to make available any relevant information that they may have.

TITLE OF THE INITIATIVE	Light deployment regime for small-area wireless access points
LEAD DG – RESPONSIBLE UNIT	DG CONNECT B4 - Radio Spectrum Policy
LIKELY TYPE OF INITIATIVE	Commission implementing measure
INDICATIVE PLANNING	Q1 2020
ADDITIONAL INFORMATION	https://ec.europa.eu/commission/priorities/digital-single-market_en

This Roadmap is provided for information purposes only and its content might change. It does not prejudge the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the Roadmap, including its timing, are subject to change.

A. Context, problem definition and subsidiarity check

Context

Article 57 of the European Electronic Communications Code (EECC)[1] is specific to deployment of small-area wireless access points (small cells). It states that competent authorities shall not unduly restrict the deployment of small cells. Rules governing their deployment should be published, nationally consistent, and should not require any individual permit if the small cells comply with the characteristics to be established by a Commission implementing act. This initiative is related to the 26 GHz band implementing decision planned for Q1 2019 as the use of small cells for wireless network deployment will be even more widespread in frequency bands above 24 GHz. It is additional to the Broadband cost reduction directive[2], which mentions in recital 28 the need for Member States to ensure that permits requested with a view to deploying high-speed electronic communications networks, are processed within reasonable deadlines. Article 7 provides for a single national information point on relevant permits and a maximum deadline of 4 months to grant or refuse the permit.

Problem the initiative aims to tackle

5G network technology (5G) is a game changer. The Radio Spectrum Policy Group (RSPG), an advisory Group to the Commission, adopted a 5G Opinion recommending a mix of three 'pioneer' bands (700 MHz, 3.6 GHz and 26 GHz) to be used to facilitate the launch of 5G in the EU by 2020. Because of its physical characteristics, the 26 GHz band offers high capacity and data rates per user but requires very dense network deployment based on small cells. A Global 5G study estimates that density will increase by a factor of 10 between 2014 and 2020 and likely more beyond 2020. The administrative burden of individual permits will therefore increase due to the higher number of installations. Therefore, a delay or failure in implementing Article 57 of the EECC might mean a delay in the availability of 5G services in the Union. This may bring, in turn, lower levels of service provision to citizens, fewer jobs and a loss of competitiveness on a global scale, particularly vis-à-vis countries which have already adopted measures to facilitate the deployment of next-generation wireless facilities. It may also lead to different national approaches and create a significant risk of fragmentation in the cross-border continuity of services and the implementation of standards.

Small cells are already deployed to increase capacity of 4G networks. There is evidence from LTE networks that small cells become necessary to supplement macro-cells in order to fulfil the requirements of 5G services such as area traffic capacity, connection density or available capacity per user necessary to benefit fully from the possibilities of 5G[3].

A GSMA (Global System for Mobile Communications Association) Report on base station planning from 2013[4] estimated that it took an average of one year or more to receive all permits necessary to deploy a single base

[1] The European Parliament and the Council Presidency reached a political agreement on 5 June 2018 to update the EU's telecoms rules in the EECC. COREPER confirmed the agreement on 29 June 2018: http://data.consilium.europa.eu/doc/document/ST-10692-2018-INIT/en/pdf. The text of this agreement now needs to be prepared for formal adoption by the European Parliament and by the Council in first reading.

[2] http://ec.europa.eu/newsroom/dae/document.cfm?doc_id=7390

[3] Impact Assessment of the Code (part 1) (https://ec.europa.eu/digital-single-market/en/news/proposed-directive-establishing-european-electronic-communications-code)

[4] http://www.gsma.com/publicpolicy/wp-content/uploads/2013/05/GSMA_Base_Station_Planning_in_Europe-2013.pdf

station. The report indicates that most delays are caused by bureaucratic and time consuming administrative permission processes. An update of this report is expected in 2018.

Deployment rules are set at different national, regional and municipal administrative levels, making it complicated for operators to master and comply with the all the different applicable rules. Permits generally need to be requested (and are granted) at local level, often implying a physical submission to the relevant authority (ies).

This initiative is part of a wider context for the development of 5G and therefore for the achievement of a functional Digital Single Market (DSM). Citizens already enjoy some of the benefits of the DSM, but many more are expected with the arrival of 5G services in the near future. The DSM could contribute €415 billion per year to the European economy and create hundreds of thousands of new jobs, while a plethora of new services will be available to make citizen's life easier, better and more secure.

Basis for EU intervention (legal basis and subsidiarity check)

Given the process to request and obtain permits for small cells varies considerably across EU member states, Article 57 of the EECC mandates that the Commission shall specify the physical and technical characteristics, such as the maximum size, weight, installation height and where appropriate emission power and range of small cells, that will be exempted from any individual town planning permit or other prior individual permit, except for environmental or historical reasons or public safety . This initiative will not cover the authorisation regime applicable to the use of the relevant spectrum. Moreover, this will not prevent the application of essential requirements provided in Directive 2014/53/EU.

B. What does the initiative aim to achieve and how

The purpose of this initiative, entitled as "light deployment regime for small-area wireless access points" is to implement the above-mentioned EECC requirement, notably reducing the time and the administrative burden currently associated with the deployment of small cells. The Commission will propose, in this context, an implementing act which will specify the physical and technical characteristics, such as the maximum size, weight, and where appropriate emission power of the small cells that will benefit from the exemption. The Commission's proposal for an implementing act has to respect the policy objective of EECC Article 57 to prevent the undue restriction of small cells deployment, while taking due account of potential impacts of such a simplified deployment regime. These include environmental and health and safety issues, to the extent, if at all, that they cannot be adequately protected by rules of general application to which operators of small cells covered by the implementing measure would remain subject.

The timely and massive small cells roll-out based on a light deployment regime will create an EU critical mass domestic market for the benefit of the European Industry and thus encourage innovative connectivity solutions, potentially on top of existing equipment standards. The creation of such a European technology ecosystem will further strengthen the European Industry's role in the development of global standards in the field, similar to the GSM standard.

Small cells have lower power levels and thus overall electromagnetic fields exposure (EMF) would be distributed more evenly. In regard to EMF limits, the EECC refers to Council Recommendation 1999/519/EC. In particular, Article 45.2(h) of the EECC calls for consistency and predictability throughout the Union regarding the way the use of radio spectrum is authorised in protecting public health on the basis of the above Recommendation. Article 58 also provides that Directive (EU) 2015/1535 shall apply as regards draft measures of the Member States that would impose different requirements than those provided in this Recommendation in regard to the deployment of small-area wireless access points. However, the light deployment regime for small-area wireless access points shall be without prejudice to the adoption of such national measures setting stricter EMF requirements.

C. Better regulation

Consultation of citizens and stakeholders

The Commission intends to consult economic operators, Member States' administrations and EU citizens. The consultation activities will seek to collect evidence on the scale of network densification, on which criteria to consider in order to determine which small cells should benefit from the light deployment regime and on the likely impacts. The consultation activities will include:

- A study (SMART 2018/0017) will consult on, analyse and request feedback on the existing definitions/categories of small cells, identify any similar existing regimes and assess their impact;
- The public consultation will be announced on "Have your say" by end of 2018, early 2019. It will have two question paths: one for individuals to express their views on the benefits of innovative mobile services, on mobile network deployment and potential constraints to be introduced for the light deployment regime and one for the industry, operators, companies and institutions to gather information on the expected 5G network density, existing exemption regimes, which physical and technical characteristics should be considered for the light deployment regime and what impacts such a regime is likely to have. The consultation will be available in the EU official languages;
- National experts will be consulted via the Radio Spectrum Committee.

Evidence base and data collection

The Commission services will investigate and assess where the limits of the exemption should be set, taking proper account of any potential impacts (including environmental impacts) and ensuring a high level of protection of public health, as laid down by Council Recommendation 1999/519/EC. The Commission's analysis will draw on the following:

- The GSMA report on "Base station planning permission in Europe 2013" which presents summaries of the base station planning procedures for several countries including 27 EU Member States and the update of this report expected by end 2018;
- The Small Cell Forum installation classes for simplified deployment of small cells defined in a report from February 2017[5];
- The Commission procured a study (SMART 2018/0017) to assist it in implementing the requirements of Article 57 of the EECC. The study will analyse existing definitions/categories of small cells and existing measures in EU Member States (e.g. the Netherlands) and elsewhere (e.g. USA) to learn from their implementation. Based on that analysis the study will propose elements of a light regulatory regime for small cells (potentially including a category definition based on the maximum values of different characteristics) and estimate the impact of such a small cells light deployment regime on the 5G ecosystem.

A formal impact assessment is not considered necessary because the policy of developing a light deployment regime has already been established by the co-legislators in the above-mentioned Article 57 and because of the essentially technical nature of the exercise. The technical characteristics of the exemption to be set out in the proposed implementing act will be presented and justified in an accompanying staff working document.

[5] http://www.google.be/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjSiJuGmdjaAhVS6KQKHUptDtEQFggnMAA&url=http%3A%2F%2Fwww.smallcellforum.org%2Fsite%2Fwp-content%2Fuploads%2F2017%2F08%2FSCF-012-Simplifying-small-cell-installation.pdf&usg=AOvVaw0IY0nn-xpsiRk5Rb6WxzdT