PERMANENT MANDATE TO CEPT REGARDING THE ANNUAL UPDATE OF THE TECHNICAL ANNEX OF THE COMMISSION DECISION ON THE TECHNICAL HARMONISATION OF RADIO SPECTRUM FOR USE BY SHORT RANGE DEVICES

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 is extended until 28 September 2006.
Title

Permanent Mandate to CEPT regarding the annual update of the technical annex of the Commission Decision on the technical harmonisation of radio spectrum for use by short range devices¹.

Purpose

Pursuant to Article 4 of the Radio Spectrum Decision, 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.

Pursuant to this permanent Mandate, CEPT shall provide the Commission with a yearly report on needs for revising the technical annex of the Commission Decision on the technical harmonisation of radio spectrum for use by short range devices (SRDs).

The yearly proposal will serve as a basis for an amendment, when needed, of the technical annex of the Commission Decision on SRDs.

Justification

The Commission Decision for SRDs foresees a regular update of the list of frequencies, as well as their associated conditions of use. This update should be performed on a regular basis in order to take due account of the rapid technological and market developments prevailing in this area. This permanent Mandate to CEPT is to formalise the preparation of the yearly proposal by CEPT for updating the technical annex of Commission Decision on SRDs.

Objectives

In addition to the core objectives of the Decision itself, the aim of this permanent mandate is to provide relevant technical information necessary to:

a) Modify, whenever appropriate, the technical conditions of use of the frequency bands included in the technical annex;

b) Identify new frequency bands and/or new applications (types of SRDs) which should be added to the list included in the technical annex of the Decision in order to further the “Class I” equipment category and providing such equipment with legal certainty on EU level, thereby consolidating the Single Market through spectrum harmonisation;

¹ Commission Decision 2006/XX/EC on the technical harmonisation of radio spectrum for use by short range radio devices.
c) Remove frequency bands (and hence types of SRDs) from the list included in the technical annex, when required and duly justified (e.g. in case a particular use has become obsolete);

d) Continuously improve the presentation of the technical annex to reflect best practices.

The European Commission may provide, on a yearly basis, input and orientation to CEPT reflecting EU policy priorities requiring special attention in the context of spectrum usage by SRDs. This input and orientation, which aims at focussing the CEPT analysis, would be delivered in time to allow to be taken into account by CEPT when preparing the annual report with proposals for revising the technical annex.

The Commission, with the assistance of the Radio Spectrum Committee (RSC) pursuant to the Radio Spectrum Decision, may consider applying the results of this permanent Mandate in the European Union.

**Duration**

This mandate will be kept as long as the Commission Decision on SRDs is applicable.

However, the Commission, having received the advice of the RSC in the matter and with due consultation with CEPT, may terminate or modify this mandate at a specified point in time in case it would have become redundant, obsolete or needs to be updated.

**Order and Schedule**

1. CEPT is hereby mandated to undertake all relevant work to meet the objectives stated above.

2. The CEPT is mandated to produce a yearly report to the European Commission including the proposed revision of the technical annex of the Commission Decision on SRDs. This report shall take into account the input and orientation given by the Commission if provided. The CEPT report shall be delivered in **July** of each year.

3. An indicative schedule of the process is given in table 1.

In implementing this mandate, the CEPT shall, where relevant, take the utmost account of Community law applicable, notably the RTTE Directive, 1999/5/EC, and to support the principles of technological neutrality, non-discrimination and proportionality.
Table 1 – **Schedule for review of SRD Decision** (revolving cycle)

The reference date of the annual cycle of revision of the technical annex of the Commission Decision on SRDs is July of each year at which time CEPT is expected to deliver its annual report containing the proposal for revising the technical annex of the Commission Decision on SRDs.

**Year Y-1**

| November-December | Optional: input and orientation presented by the Commission to the RSC in view of formal transmission to CEPT by the end of year Y-1 |

**Year Y**

| July | CEPT to finalise the response to the Mandate for year Y and submit formally a report to the Commission. |

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