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Information Society and Media Directorate-General
Electronic Communications Policy
Radio Spectrum Policy

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Final

MANDATE TO CEPT
TO UNDERTAKE TECHNICAL STUDIES ON THE EFFICIENT USE OF THE HARMONISED
169,4-169,8125 MHz FREQUENCY BAND (169 MHz-REVIEW MANDATE)

"This mandate is issued to the CEPT without prejudice to the right of scrutiny by the European Parliament and the Council, pursuant to Article 11 of Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 (OJ L 55, 28.02.2011, p. 13) laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers."

1. INTRODUCTION

Mandate to CEPT (169 MHz-Review Mandate) to undertake the necessary technical studies in support of a possible review of Decision 2005/928/EC, as amended by Decision 2008/673/EC (hereafter 169 MHz Decision) in order to ensure the efficient use of the harmonised frequency range (169,4-169,8125 MHz¹), pursuant of Art. 5 of the 169 MHz Decision.

2. PURPOSE

To collect detailed information on the current use of the low power and the high power parts of the harmonised band in Members States and to identify technical and regulatory solutions that ensure the efficient use of the band and guarantee best possible usage conditions for applications that support the community objectives, such as ICT for supporting an ageing society and ensuring the inclusion of persons with disabilities.

3. JUSTIFICATION

Pursuant to Article 4 of the Radio Spectrum Decision², 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 tasks to be performed and the timetable therefore.

In 2003, the Commission issued the first mandate to CEPT in order to review the various possible harmonised applications for the band 169,4 to 169,8 MHz in the light of Community policies (RSCOM03-10). In 2005 the Commission adopted the 169 MHz Decision (Decision 2005/928/EC, as amended by Decision 2008/673/EC) to harmonise the conditions for the availability and efficient use of the 169,4 – 169,8125 MHz radio spectrum band in the Community. Pursuant Art. 5 of this Decision Member States are required to keep the use of the 169,4 – 169,8125 MHz radio spectrum band under review to ensure the efficient use thereof and report their findings to the Commission.

4. BACKGROUND

In 2010, the CEPT in its liaison statement³, dated 19 November 2010, has informed the Commission about changes adopted for one of its decisions⁴ that covers the same

¹ For the work carried out under the mandate, the frequency range shall be differentiated in three sub-bands, two lower power parts (A, B) and one high power part (C) according to the table below:

A	Low power	Non-exclusive access	169,4-169,475 MHz
B	Low power	Exclusive access	169,475-169,6 MHz
C	High power	Non-exclusive access	169,6125-169,8125 MHz

² 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.

³ Document RSCOM10-74

⁴ ECC/DEC (05) 02 amended 12 November 2010

frequency range as the 169 MHz Decision. The changes are aimed at setting only minimum regulatory conditions and introducing greater flexibility for the use of frequency bands. They concern the channelling arrangements in the harmonized frequency range and the level of detail regarding the technical usage parameters that are provided in the ECC decision.

In particular, a shortcoming in the channelling arrangements in sub-band B has been identified, which effectively reduces the number of 25 kHz channels for exclusive use by "hearing aid" applications from four to three. The problem is caused by a partial overlap in the current channelling arrangement between the exclusive channels for "hearing aids" and those for "social alarms"⁵.

In the explanatory memorandum of the ECC decision, the CEPT refers to the usage situation in the high power sub-band C on the basis of information collected in 2002 and states that the high power paging systems "only remain(ed) operational in a few European countries" and that in "several countries all 16 channels were available". However, the memorandum also states that "there were some countries in which paging systems were in operation, or licences were still in force. In some cases these licences cannot be withdrawn for legal reasons".

In order to ensure that the harmonised bands are used efficiently and to adapt the regulation in place where found necessary, the Commission services seek technical advice on the impact of the proposed changes. The Commission services at the same time request to assess to what extent the sub-band C is still used by legacy paging systems and private mobile radio communications that have been "authorised at the date of notification" of 169 MHz Decision (Art. 3.6) and seeks technical advice on possible new arrangements for this sub-band in order to better reflect the current situation.

5. ORDER AND SCHEDULE

- (1) The CEPT is hereby mandated to undertake all relevant technical work to support the review of the 169 MHz Decision and to undertake studies with regard to collecting up-to-date and detailed information on the current use of the low power and the high power sub-bands (A, B and C), identify possible technical and regulatory solutions that ensure the efficient use of the harmonised band and guarantee best possible usage conditions for applications that support the Union objectives.
- (2) In particular the CEPT is mandated to:

Part 1

Undertake a survey of the current users of the harmonised frequency range (169,4-169,8125 MHz) covered by the 169 MHz Decision, i.e. in both the low power and the high power bands, and provide detailed feedback on the current use of the harmonised sub-band C.

⁵ For a detailed overview of the relevant changes and the possible implications for a review of the 169-MHz Decision, see Document RSCOM11-09 Rev.

Investigate, on the basis of a questionnaire, the implications for current users of increasing the flexibility in the lower power part of the band (sub-bands A and B) by removing the established channelling arrangements and the implications of the altered usage parameter for social alarms (proposed to be 10mW e.r.p. and < 0,1% duty cycle).

Part 2

Based on the result of part 1 of the 169 MHz-Review Mandate:

- to confirm or adapt the channel arrangement for the sub-bands A and B, including implications for on-going or new standardisation activities;
- to develop and propose technical and regulatory parameters to ensure and maximise the efficient use of the harmonised high power sub-band C (200 kHz) in the medium and long-term, for example in regard to innovative long-range technologies⁶.

(3) CEPT is expected to summarise the results on the above-mentioned tasks in a report to the Commission. The CEPT is mandated to provide the deliverables according to the following schedule:

Delivery date	Deliverable	Subject
October 2011	Report from CEPT to the Commission on 169 MHz-Review Mandate, subject to public consultation	Description of work undertaken and results achieved under this Mandate prior to public consultation.
July 2012	Final Report from CEPT to the Commission on 169 MHz-Review Mandate	Description of work undertaken and results achieved under this Mandate.

(4) The Commission will decide whether the results of this Mandate can be made applicable in the European Union, pursuant to Article 4 of the Radio Spectrum Decision⁷.

In implementing this Mandate, the CEPT shall, where relevant, take the utmost account of Union law applicable.

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⁶ For more information please refer to the recent Opinion and Report from the RSPG on cognitive technologies (RSPG10-348 and RSPG10-306).

⁷ 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).