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RADIO SPECTRUM COMMITTEE

Working Document

Subject: Coordinated review of EC Decisions on short-range devices (5th update) and 169 MHz band

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1. INTRODUCTION

Commission Decision 2006/771/EC (the SRD Decision) is essential to the creation of the internal market for an increasing number of wireless devices. The Decision is subject to a regular update cycle in order to respond to the rapid changes in technology and societal demands, and to the emergence of new applications. Last updated through amending Decision 2011/829/EU, the new update cycle to prepare the 5th update in 2013 has been launched based on the permanent Mandate to CEPT (RSCOM11-28 Rev).

Commission Decision 2005/928/EC (169 MHz Decision) harmonises the use of the 169,4-169,8125 MHz spectrum band, and was amended in 2008 to accommodate specific short range applications including hearing aids, social alarms, asset tracking or tracing devices as well as smart meter reading systems. In 2010 the CEPT suggested a further amendment in order to ensure that the harmonised bands are used efficiently. In July 2011 a Mandate (the 169 MHz Mandate)¹ was issued to CEPT to undertake the necessary technical studies (RSCOM11-09 rev).

2. BACKGROUND

Given that the preparatory activities for the review/update of both Commission Decisions have been launched in 2011 and that both Decisions harmonise frequencies on a licence-exempt basis throughout the internal market for similar applications and under similar conditions, a coordinated review of both decisions seems possible in order to ensure coherent regulatory environment.

This would be important in view in particular of the objectives of the 5th update of the SRD Decision to:

- "focus on widening the scope of the Decision with least constraining usage conditions"
- "consider further inclusions of new SRD designations in the technical annex of the SRD Decision, specifically those applications (...) for which the regulatory parameters have already been studied. In addition, the results of the ongoing work on the 169 MHz Mandate and the investigations into the density of use of the 863-870 MHz should be taken into account, in particular in regard to new sharing possibilities and the needs for additional spectrum."

Depending on the final results of the 169 MHz Mandate, especially the outcome of the technical investigation and public consultation, the complementary nature of the two mandates allows for the possibility to streamline the regulatory conditions for the relevant applications and to integrate both instruments to the extent possible. The goal would be to inter-alia widen the scope of the SRD Decision with the least constraining usage conditions to allow for as much flexibility for manufacturers and users as possible also in the 169 MHz band in order to ensure and maximise the efficient use of the harmonised 169 MHz band. To the extent that application-neutral designations for the entire 169 MHz band could be added to the SRD Decision with suitable parameters, the

¹ http://circa.europa.eu/Members/irc/info/radiospectrum/library?l=/public_documents/public_documents_2011/rsc36/169mhz_finalpdf/EN_1.0_&a=d&cookie=1

use of the harmonised high power sub-band C (169,6125-169,8125 MHz) in particular could be ensured and maximised in the medium and long-term, while preserving the current high power use.

3. THE CURRENT STATUS OF THE INVESTIGATIONS

In the draft Report 43, which is currently subject to public consultation, the CEPT states as an preliminary result that there "is evidence that sub-band C is under-used" and proposes further investigations to see whether some utilisation by low power SRD applications in parts of sub-band C is possible, in particular "non-specific SRDs using Low Duty Cycle (LDC) for applications in the whole range from 169.4-169.8125 MHz such as Meter Reading".

In addition, CEPT concludes that it would be possible to define backward compatible parameters that would fully preserve the use of the 169 MHz band by the existing users. Furthermore it is suggested that "there may be a possibility to finally withdraw the Decision 2005/928/EC" while the remaining harmonisation measures (existing and additional ones) for low power / short range devices would have to be incorporated in the fifth amendment of the technical annex of the SRD Decision. The CEPT underlines that such an approach would provide "better visibility and transparency for the 169 MHz regulation".

The CEPT also points out that a merger of the two Commission Decisions would introduce flexibility as the 169 band could "be used by many different SRD applications having LDC / limited transmitter activity factors" and that any new SRD applications operating in the sub-band C "should not cause harmful interference to existing services and applications and have to protect themselves against interference from existing high power applications".

In the context of the preparations of the CEPT Report in response to the permanent SRD Mandate, the inclusion of the existing regulations from Decision 2005/928/EC is currently under investigation as well as the addition of new designations for non-specific SRDs in the range 169,4-169,8125 MHz and for adaptive hearing aids in the frequency ranges 169,6125-216 MHz.

4. NEXT STEPS

Given the overlap between the two CEPT activities and the importance to focus on a coherent and forward-looking internal market framework for SRD, the Commission services propose to perform a coordinated review which aims at improving regulatory transparency, increasing the usability of the harmonised bands for users, and fostering more licence-exempt spectrum access opportunities in Europe.

Based on the result of the two mandates it is foreseen to streamline the regulatory conditions for SRD applications and to integrate both instruments to the extent possible, including by repealing the 169 MHz Decision if feasible. The indicative timetable for the work of the RSC is given in the annex.

Member States are invited to express their views on the proposed coordinated review of the SRD and the 169 MHz Decisions as well as the indicative timing provided in the annex.

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ANNEX: INDICATIVE TIME TABLE

169 Decision (2005/928/EC)	SRD Decision (2006/771/EC)
	RSC#36 (July 2011): Launch of the 5 th update cycle. CEPT starts work on the update proposal pursuant to the permanent Mandate and this guidance document.
RSC#38 (December 2011): Draft CEPT Report 43 submitted to the Commission on 169 MHz Mandate, subject to public consultation.	
2012	
RSC#40 (July 2012) Final CEPT Report to be submitted to the Commission on 169 MHz Mandate.	
Third Quarter 2012: Transfer of results of CEPT Report 43 to the draft CEPT report on the permanent SRD Mandate.	
	RSC#41 (October 2012): CEPT to submit its report (subject to public consultation) pursuant to the permanent Mandate.
Fourth quarter 2012: Commission services examine the CEPT proposal for amendment of the technical annex, including the transfer of the proposed parameters for the efficient use of the harmonised frequency range 169,4-169,8125 MHz. Commission services will exchange with CEPT on a preliminary draft updated technical annex to the SRD Decision prior to its submission in RSC.	
	RSC#42 (December 2012): CEPT submits final CEPT report and the Commission services present a draft Commission Decision updating the technical annex to the SRD Decision.
	RSC#43 (March 2013): Agreement on a stable text of the draft Commission Decision updating the technical annex to the SRD Decision for the fifth time.
RSC#44 (July 2013): Regulatory Opinion of the RSC on the draft Commission Decision updating the technical annex to the SRD Decision for the fifth time, inter alia including the repeal of Commission Decision 2005/928/EC.	
Repeal of Decision 2005/928/EC	Adoption of the amended Decision 2006/771/EC