



Brussels, 8 December 2005
DG INFSO/B4

FINAL

**Mandate to CEPT
on the use of EFIS for publication and access to spectrum information
within the Community**

**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 25 November 2005.**

1. PURPOSE

The purpose of this Mandate is to assess the feasibility and efforts required to use the EFIS (ERO Frequency Information System) database, managed by the European Radiocommunications Office (ERO), for implementing a common information portal in the European Community, along the objectives that have been outlined by the European Commission with the assistance of the Radio Spectrum Committee.

2. JUSTIFICATION AND MAIN EU POLICY OBJECTIVES

The co-ordinated and timely provision to the public of appropriate information concerning the allocation, availability and use of radio spectrum in the Community is an essential element for investments and policy making in spectrum-related activities. Availability of such information is essential to technological developments as it may make visible spectrum available for new applications or help in assessing the need for new or modified radio spectrum allocation plans; it is also particularly important when considering the tradability of rights to use frequencies.

Considering the increasing integration of markets, the implementation of a cross-sectorial Community radio spectrum policy and the growing number of key Community policies relying on spectrum usage, the availability of radio spectrum information requires a coherent and user-friendly scheme at Community if not European scale, covering the whole of the radio spectrum, noting that the information detail may vary depending on the type of use, due to security and confidentiality aspects.

2.1. Legal aspects

EC legislation requires Member States to provide information on spectrum usage conditions and to establish appropriate databases.

Article 5 of the Radio Spectrum Decision 676/2002/EC² establishing a Community radio spectrum policy generally requires Member States to “*ensure that their national radio frequency allocation table and information on rights, conditions, procedures, charges and fees concerning the use of radio spectrum, shall be published if relevant in order to meet the aim set out in Article 1. They shall keep this information up to date and shall take measures to develop appropriate databases in order to make such information available to the public, where applicable in accordance with the relevant harmonisation measures taken under Article 4.*”

EC legislation specific to electronic communications also refers to the gathering, provision and availability of information, which could be of relevance to the access to information on radio spectrum. This includes:

- a) Article 5 of the Framework Directive (2002/21/EC) obliges Member States to publish all information necessary to ensure conformity with the Framework Directive or the specific directives such as the Authorisation Directive taking into account Community and national rules on business confidentiality, including the terms for public access to such information.
- b) Article 15 of the Authorisation Directive (2002/20/EC) obliges administrations to publish information on conditions, charges, fees and decisions concerning rights to use radio spectrum in a user-friendly way; moreover Annex (B) of this Directive limits the conditions that can be attached to the rights to use radio frequencies.
- c) The R&TTE Directive (1999/5/EC) on radio and telecommunications terminal equipment and the mutual recognition of their conformity calls for the publication of harmonised standards, radio interface specifications and classes of equipment, thus providing important information about the possibilities to use radio spectrum.
- d) Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations obliges Member States to inform the Commission and the standardisation bodies about their plans on new standards and amendments to existing standards including the area of radiocommunications.

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.

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.

2.2. Study on spectrum information

A recent study¹ ordered by the Commission made an assessment of spectrum information requirements and availability involving a detailed analysis of industry and Member States views, including a cost-benefit analysis. The study came to the result, that spectrum information is being collected by Member States with a varying amount of detail, in different formats and with differences in ease of access. Such differences may have an effect on doing business and on decision-making in the internal market for products and services, manufacturing and investments decisions, on the participation of SMEs and on the sustainable growth of the electronic communications industry. Appropriate information availability is also essential to the introduction of secondary trading of rights to use frequencies, which is currently under consideration within the Community, and plays a key role in pricing mechanisms such as spectrum auctions.

A single entry point is desirable for easy access and user-friendly presentation of spectrum information. Most administrations and industry participants regard EFIS to be the best choice for a European spectrum information portal, although some national administrations have noted the possibility of other solutions.

Therefore, it is tentatively proposed that, as a minimum, the information listed in section 1 of Annex 1 should be collected and made available through a central portal (website) in a common database to allow for search and comparison across Europe. Further detailed information available at national level is recommended to be provided on national sites via direct hyperlinks.

3. ORDER AND SCHEDULE

In view of the proposed implementation of an information portal along the tentative objectives and conditions set out in Annex 1, CEPT, in close cooperation with the European Radiocommunication Office (ERO), is mandated:

- to assess the efforts, timeframe and costs related to the use of EFIS as the European Community portal for spectrum information, considering the need for upgrading the present EFIS system and for the continuous maintenance of the content thereof so as to fulfil the requirements from EC legislation related to public information on the use of radio spectrum;
- to determine to which extent the costs of upgrading and continuous maintenance of EFIS would need to be financed outside of the ERO budget;
- to clarify operational details, in particular, the necessary links and updating mechanisms between ERO and national Administrations with a view towards minimising additional costs and manpower for national Administrations and being effective as well as clear on liability issues.

¹ Study on Information on the allocation, availability and use of radio spectrum in the Community, February 2005, IDATE
(http://europa.eu.int/information_society/policy/radio_spectrum/docs/info_spectrum/spectrum_info_fi_n_rep.pdf)

- to quantify major additional cost elements resulting from the tentative objectives given in Annex 1, which would be incurred by individual Member States.

The deliverables for this Mandate will include an interim report and a final report subject to the following delivery dates:

- **15 February 2006:** Submission of a draft interim report including any preliminary conclusions or recommendations.
- **15 July 2006:** Submission of the final report to the Commission.

In implementing this Mandate, the CEPT shall, where relevant, take the utmost account of Community law applicable, and support the principles of transparency, non-discrimination and proportionality.

The Commission, with the assistance of the Radio Spectrum Committee pursuant to the Radio Spectrum decision, may consider applying the results of this Mandate in the European Community, pursuant to Article 4 of the Radio Spectrum Decision.

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Tentative Objectives for a European Spectrum Information Portal

Based on the study performed on spectrum information and the results of discussions so far, the following objectives are given on a tentative basis, with a further validation planned following the availability of the results of this Mandate.

In order for information regarding availability and use of radio spectrum to be made available to the public in an appropriate manner and level of detail in the Community, the following objectives should be achieved:

1. INFORMATION TO BE MADE AVAILABLE AND COMMON FORMATS

It is important to achieve a certain level of **coherence in format and mandatory detail of information** across Europe to the benefit of current and potential spectrum users as well as administrations.

The following types of spectrum information shall be evaluated to fall into the **mandatory category to be provided in the same format** by all administrations:

- **Allocations** (according to the ITU RR);
- **Applications** (according to Annex 2 of ECC/DEC/(01)03, taking into account future revisions);
- **Radio Interface Specifications** (according to Recommendations under the R&TTE Directive);
- **Right of Use**² (it is proposed that only contact details of the right holder, time duration and geographic area/location would be mandatory; limitations through national security, data protection and confidentiality policies also exist);
- National **spectrum policy and strategy** (in format of a free document as typically provided by several administrations);
- **National contact point** (see further below).

As spectrum trading is currently in its initial phase of implementation and as a step by step approach is the preferred way forward on this issue, it is envisaged to review these categories after sufficient experience has been gained.

² **This category is meant to facilitate market mechanisms such as spectrum trading:** So-called spectrum registries, which are under development at national level, are recommended to be linked to EFIS through hyperlinks. To allow for an effective search and comparison administrations should use this minimum set of mandatory parameters common (also in format) to all databases, thus facilitating comprehension by spectrum users across Europe and a targeted exchange via EFIS.

2. FURTHER REQUIREMENTS

The Commission also regards the following goals as essential in setting up a **reliable and high quality** European spectrum information portal.

- **Additional resources for quality, reliability and reporting:** Availability and integrity of up-to-date information are crucial for the effectiveness of a European spectrum information portal and its acceptance by users. The entity responsible for the portal should ensure quality and reliability through e.g. monitoring national spectrum allocation and assignment developments, ensuring their integration into the portal and supporting national administrations with the identification of out-of-date information. In performing these tasks, the entity should report on progress on the availability and reliability of spectrum information to administrations and to the Commission on a regular, e.g. annual, basis. Furthermore, the entity could contribute to limiting the costs incurred by national administrations by taking over the development of non-legal descriptive information, e.g. listing or explaining relevant national legislation and authorisation procedures in English (links to relevant legal texts at national level could be embedded).
- **Enhanced functions of the national contact person:** Currently the contact person referred to in ECC/DEC/(01)03 is responsible for internal maintenance of spectrum information on the portal. To cover certain types of spectrum information which are not easily integrated into the portal, the contact person or a contact point should also be able to answer questions from the public related to procedures and conditions applicable to requests for usage rights and to give guidance on finding national spectrum information, or to redirect the query to the relevant contact in the administration.
- **Need for a feedback loop for improvement of quality and reliability of information:** Users should be able to give feedback or launch complaints about missing or inadequate information obtained from the portal, a national database or from a national contact point. The entity responsible for the European portal should have a mechanism for handling any such complaints and the Commission should be informed about them. A summary and assessment of complaints received could be summarized and reported on an annual basis.

It is envisaged to review the above-mentioned requirements after sufficient experience has been gained.