



Brussels, **XXX**  
[...] (2019) **XXX** draft

**COMMISSION IMPLEMENTING DECISION**

**of XXX**

**amending Decision 2006/771/EC as regards technological and market developments in  
the area of radio spectrum use for short-range devices**

(Text with EEA relevance)

# COMMISSION IMPLEMENTING DECISION

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**amending Decision 2006/771/EC as regards technological and market developments in the area of radio spectrum use for short-range devices**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Decision No 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 (Radio Spectrum Decision)<sup>1</sup>, and in particular Article 4(3) thereof,

Whereas:

- (1) Short-range devices are typically mass-market or portable radio equipment, or both, that can easily be carried and used across borders. Differences in spectrum access conditions risks creating harmful interference with other radio applications and services, prevent their free movement, and increase their production costs.
- (2) Commission Decision 2006/771/EC<sup>2</sup> harmonises the technical conditions for spectrum use for a wide variety of short-range devices in applications areas such as alarms, local communications, telecommand, medical implants and medical data gathering, intelligent transport systems and the ‘Internet of Things’ including radio-frequency identification (‘RFID’). As a result, short-range devices that respect these harmonised technical conditions are subject to solely a general authorisation under national law.
- (3) Commission Implementing Decision 2018/1538/EU<sup>3</sup> additionally harmonises the technical conditions for spectrum use by short-range devices within the 874-84.4 and 915-919.4 MHz frequency bands. In these frequency bands, the sharing environment is different; therefore, a specific regulatory regime is required. That Decision enables technically advanced RFID solutions as well as ‘Internet of Things’ applications based on networked short-range devices under the control of network access points.
- (4) Decision 2006/771/EC and Implementing Decision 2018/1538/EU constitute the regulatory framework for short-range devices, which supports innovation for a wide range of applications within the digital single market.
- (5) New applications for short-range devices emerge due to the growing importance of these devices for the economy and to the rapid changes in technology and societal demands. Such applications require regular updates of harmonised technical conditions for spectrum use.

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<sup>1</sup> OJ L 108, 24.4.2002, p. 1.

<sup>2</sup> OJ L 312, 11.11.2006, p. 66.

<sup>3</sup> OJ L 257, 15.10.2018, p. 57.

- (6) Based on the permanent mandate issued to the European Conference of Postal and Telecommunications Administrations ('CEPT') in July 2006, pursuant to Article 4(2) of Decision No 676/2002/EC, to update the Annex to Decision 2006/771/EC in order to reflect technological and market developments in the area of short-range devices, that Annex has been amended six times. The work carried out on the basis of the permanent mandate was also the basis for Commission Implementing Decision 2018/1538/EU providing additional spectrum for short-range devices within the 874-874.4 and 915-919.4 MHz frequency ranges.
- (7) On 20 October 2017, the Commission issued its guidance letter for the seventh update cycle (RSCOM17-24rev1). In response, CEPT submitted to the Commission its Report 70 on 08 March 2019. In addition to simplification of and improvements to existing entries, the CEPT proposes to add new entries to the Annex to Decision 2006/771/EC. Those new entries make new medical and safety-related applications possible and harmonise spectrum for non-safety related applications of intelligent transport systems and for road traffic enforcement applications. Therefore, that report should be the technical basis for this Decision.
- (8) Short-range devices operating within the conditions set out in this Decision should also comply with Directive 2014/53/EU of the European Parliament and of the Council<sup>4</sup>.
- (9) Decision 2006/771/EC should therefore be amended.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Decision 2006/771/EC is amended as follows:

- (1) Article 2 is amended as follows:
  - (a) point 1 is replaced by the following:

“1. ‘short-range device’ means a radio device which provides either unidirectional or bidirectional communication and which receives and/or transmits over a short distance at low power;”;
  - (b) point 2 is replaced by the following:

“2. ‘non-interference and non-protected basis’ means that no harmful interference may be caused to any radiocommunication service and that no claim may be made for protection of these devices against interference originating from radiocommunication services;”.

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<sup>4</sup> Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

(2) The Annex is replaced by the text in the Annex to this Decision.

*Article 2*

Member States shall report to the Commission on the implementation of this Decision by 5 May 2020 at the latest.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels,

*For the Commission*  
*Mariya Gabriel*  
*Member of the Commission*