

# EUROPEAN ECONOMIC AREA

## STANDING COMMITTEE OF THE EFTA STATES

4 July 2016

### SUBCOMMITTEE II ON THE FREE MOVEMENT OF CAPITAL AND SERVICES

#### EEA EFTA Comment

#### **on the Commission proposal for a decision of the European Parliament and of the Council on the use of the 470-790 MHz frequency band in the Union (COM(2016) 43 final)**

1. The EEA EFTA States welcome the European Commission's proposal to coordinate the use of the 700 MHz band for mobile services through the draft decision on the use of the 470-790 MHz frequency band, adopted on 2 February 2016.
2. The EEA EFTA States recognise the benefits of coordinating the use of frequencies and harmonising spectrum allocation and usage conditions within the European Economic Area, where appropriate and justifiable. Spectrum harmonisation at European and global level enables the introduction of new usage in new frequency bands.
3. At the same time, it is necessary to recognise that there are regional and national differences with respect to geography, demography and market development, all of which have an impact on how spectrum is best allocated, assigned and used. Hence, there is a need to maintain a degree of national flexibility in spectrum management in order to make the most of this valuable natural resource. Detailed spectrum decisions, including auction design and the duration of licences, should therefore remain a national concern. This is essential to cater for differences in local or regional user demand and technological development, as well as other relevant national specificities such as borders with countries that are not part of the EEA.
4. According to Article 3 of the proposed decision, Member States shall take measures to ensure a high-quality level of coverage of their territory and population at speeds of at least 30 megabits per second (Mbit/s), and assess and consult on the need to attach conditions to the rights of use of frequencies in the 700 MHz band. Measures regarding national coverage have traditionally been a matter of national concern. In the EEA EFTA States' opinion, individual Member States are best placed to assess the need for coverage requirements in their own territory, and this is not a suitable issue for harmonisation at European level. The proposed text of Article 3 should therefore be removed or rephrased in order to make it less binding/guiding upon the Member States when setting up any possible national conditions for the rights of use of the frequencies.

5. In many Member States, the 700 MHz band is currently allocated to services other than mobile services, with licences sometimes expiring after 2020. In this regard, the lack of flexibility in the deadline to allow the use of the 694-790 MHz frequency band for wireless broadband (cf. Article 1) may seem too strict. The EEA EFTA States believe that Member States should be allowed an extra two years from the proposed July 2020 deadline, in line with both the Lamy Report and the opinion of the Radio Spectrum Policy Group (RSPG), to allow the use of the 694-790 MHz band for mobile services.
  6. Article 4 of the proposed decision concerns the future use of the rest of the ultra-high frequency (UHF) band (470-694 MHz). The EEA EFTA States do not disagree with the content of the article, but it might seem somewhat superfluous as this already follows from the degree of freedom that the Member States have.
  7. Norway, as an EEA country sharing a border with a non-EU State, appreciates the degree of flexibility in negotiating spectrum coordination agreements, which is proposed in Article 2 (3) of the draft decision.
  8. The EEA EFTA States urge the European Parliament and the Council to remove Article 3 of the proposal regarding possible coverage requirements or to consider redrafting it in order to make it less binding upon the Member States. It is also recommended that the scope of the decision be limited to the 694-790 MHz band only. Furthermore, the EEA EFTA States invite the European Parliament and the Council to consider allowing the use of the 649-790 MHz band for mobile services two years beyond the proposed July 2020 deadline.
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