



Brussels, 16.12.2015  
COM(2015) 659 final

2015/0300 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement (ultra-wide band)**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

In order to ensure the requisite legal security and homogeneity of the Internal Market, the EEA Joint Committee is to integrate all the relevant EU legislation into the EEA Agreement as soon as possible after its adoption.

### 2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The draft Decision of the EEA Joint Committee (annexed to the proposed Council Decision) aims to amend Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement in order to incorporate Commission Implementing Decision 2014/702/EU of October 2014<sup>1</sup> (amending Decision 2007/131/EC of February 2007<sup>2</sup> on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community) into the EEA Agreement.

#### **Justification of the requested adaptation and proposed solution**

##### **Relevant act:**

Commission Implementing Decision 2014/702/EU of 7 October 2014 amending Decision 2007/131/EC of February 2007 on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community.

##### **Relevant provision:**

Obligation to allow the use of the radio spectrum on the 6.0-8.5 GHz band by equipment using ultra-wideband technology (UWB) onboard aircraft (Annex, Section 4).

##### **Justification and proposed solution:**

The use of UWB onboard aircraft could interfere with national mobile operators' radio links in and around airports. These particular effects have been described in a 2012 report issued by the Electronic Communications Committee (ECC) of the European Conference of Postal and Telecommunications Administrations (CEPT)<sup>3</sup>, and are now the subject of a detailed study and re-assessment conducted by the ECC's Working Group on Spectrum Engineering – Short-range devices (SE24). The target date for work on this item to be concluded in SE24 is currently Q1 2016<sup>4</sup>.

The density of radio links close to airports in Iceland and in Norway, and the intensity of their use are higher than in the EU. An exemption is therefore needed as regards the frequency band 6,0-8,5 GHz in order to avoid the occurrence of harmful interference to the mobile operators' radio links. The following adaptation is inserted in the Joint Committee Decision:

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<sup>1</sup> OJ L 293, 9.10.2014, p. 48-56.

<sup>2</sup> OJ L 55, 23.2.2007, p. 33-36.

<sup>3</sup> ECC Report 175, *Co-existence study considering UWB applications inside aircraft and existing radio services in the frequency bands from 3.1 GHz to 4.8 GHz and from 6.0 GHz to 8.5 GHz*, available at <http://www.erodocdb.dk/Docs/doc98/official/pdf/ECCREP175.PDF>.

<sup>4</sup> Work Item SE24\_55, available at [http://eccwp.cept.org/WI\\_Detail.aspx?wiid=477](http://eccwp.cept.org/WI_Detail.aspx?wiid=477).

*“Iceland and Norway shall be exempted from allowing the use of the 6.0 to 8.5 GHz band by equipment using ultra-wideband technology onboard aircraft.”*

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

Article 1(3) of Council Regulation (EC) No 2894/94<sup>5</sup> concerning arrangements for implementing the EEA Agreement provides that the Council establishes the position to be adopted on the Union’s behalf on such Decisions, on a proposal from the Commission.

The Commission submits the Draft Decision of the EEA Joint Committee for adoption by the Council as the Union’s position. The Commission would hope to be able to present it in the EEA Joint Committee at the earliest possible opportunity.

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<sup>5</sup> OJ L 305, 30.11.1994, p. 6–8

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994<sup>1</sup> concerning arrangements for implementing the Agreement on the European Economic Area, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement.
- (3) Commission Implementing Decision 2014/702/EU<sup>2</sup> is to be incorporated into the EEA Agreement. The density of radio links close to airports in Iceland and in Norway, and the intensity of their use are higher than in the EU. In order to avoid the occurrence of harmful interference to the mobile operators' radio links, Iceland and Norway should be exempted from allowing the use of the 6.0 to 8.5 GHz band by equipment using ultra-wideband technology onboard aircraft.
- (4) Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

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<sup>1</sup> OJ L 305, 30.11.1994, p. 6–8.

<sup>2</sup> Commission Implementing Decision 2014/702/EU of 7 October 2014 amending Decision 2007/131/EC of February 2007 on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community, (OJ L 293, 9.10.2014, p. 48-56.)

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment to Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

*Article 2*

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council  
The President*