

Commission Implementing Decision (EU) 2019/1345 of 2 August 2019 amending Decision 2006/771/EC updating harmonised technical conditions in the area of radio spectrum use for short-range devices (notified under document C(2019) 5660) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1345

of 2 August 2019

amending Decision 2006/771/EC updating harmonised technical conditions in the area of radio spectrum use for short-range devices

*(notified under document C(2019) 5660)*

(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 risk 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 no more than a general authorisation under national law.
- (3) Commission Implementing Decision (EU) 2018/1538<sup>(3)</sup> additionally harmonises the technical conditions for spectrum use by short-range devices within the 874-874,4 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 in data networks.
- (4) Decision 2006/771/EC and Implementing Decision (EU) 2018/1538 constitute the regulatory framework for short-range devices, which supports innovation for a wide range of applications within the digital single market.

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*Changes to legislation:* There are currently no known outstanding effects for the  
Commission Implementing Decision (EU) 2019/1345. (See end of Document for details)

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- (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.
- (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 Implementing Decision (EU) 2018/1538 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 8 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) In Article 2 points 1 and 2 are 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;
  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;
- (2) The Annex is replaced by the text in the Annex to this Decision.

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*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, 2 August 2019.

*For the Commission*

Mariya GABRIEL

*Member of the Commission*

## ANNEX

## ANNEX

### **Frequency bands with corresponding harmonised technical conditions and implementation deadlines for short-range devices**

Table 1 defines the scope of different categories of short-range devices (defined in Article 2(3)) to which the present Decision applies. Table 2 specifies different combinations of frequency band and category of short-range devices, and the harmonised technical conditions for spectrum access and implementation deadlines applicable thereto.

General technical conditions applicable to all bands and short-range devices that fall within the scope of this Decision:

- Member States must allow adjacent frequency bands set out in Table 2 to be used as a single frequency band provided the specific conditions of each of these adjacent frequency bands are met.
- Member States must allow the usage of spectrum up to the **transmit power, field strength or power density** set out in Table 2. Pursuant to Article 3(3) of this Decision, they may impose less restrictive conditions, that is to say allow the use of spectrum with higher transmit power, field strength or power density, provided it does not reduce or compromise the appropriate coexistence between short-range devices in bands harmonised by this Decision.
- Member States may only impose the **additional parameters** (channelling and/or channel access and occupation rules) set out in Table 2, and must not add other parameters or spectrum access and mitigation requirements. Less restrictive conditions pursuant to Article 3(3), means that Member States may completely omit these additional parameters in a given cell or allow higher values, provided that the appropriate sharing environment in the harmonised band is not compromised.
- Member States may only impose the **other usage restrictions** set out in Table 2 and must not add additional usage restrictions. Since less restrictive conditions may be applied pursuant to Article 3(3), Member States may omit one or all of these restrictions, provided that the appropriate sharing environment in the harmonised band is not compromised.
- Less restrictive conditions pursuant to Article 3(3) must apply without prejudice to Directive 2014/53/EU.

For the purposes of this Annex, the following **duty cycle** definition applies:

“**duty cycle**” means the ratio, expressed as a percentage, of  $\Sigma(\text{Ton})/(\text{Tobs})$  where Ton is the “on” time of a single transmitter device and Tobs is the observation period. Ton is measured in an observation frequency band (Fobs). Unless otherwise specified in this technical annex, Tobs is a continuous one hour period and Fobs is the applicable frequency band in this technical annex. Less restrictive conditions within the meaning of Article 3(3), mean that Member States may allow a higher value for “duty cycle”.

### TABLE 1

#### **Categories of short-range devices pursuant to Article 2(3) and their scope**

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<b>Category of short-range devices</b>	<b>Scope</b>
Non-specific short-range devices (SRDs)	Covers all kinds of radio devices, regardless of the application or their purpose, which fulfil the technical conditions as specified for a given frequency band. Typical uses include telemetry, telecommand, alarms, data transmissions in general and other applications.
Active medical implant devices	Covers the radio part of active implantable medical devices that are intended to be fully or partially introduced, surgically or medically, into the human body or that of an animal, and where applicable their peripherals. Active implantable medical devices are defined in Council Directive 90/385/EEC <sup>a</sup> .
Assistive listening devices (ALDs)	Covers radio communications systems that allow persons with hearing impairment to increase their listening capability. Typical system installations include one or more radio transmitters and one or more radio receivers.
High duty cycle/continuous transmission devices	Covers radio devices that rely on low latency and high duty cycle transmissions. These devices are typically used for personal wireless audio and multimedia streaming systems used for combined audio/video transmissions and audio/video sync signals, mobile phones, automotive or home entertainment system, wireless microphones, cordless loudspeakers, cordless headphones, radio devices carried on a person, assistive listening devices, in-ear monitoring, wireless microphones for use at concerts or other stage productions, and low power analogue FM transmitters.
Inductive devices	Covers radio devices that use magnetic fields with inductive loop systems for near field communications. This typically includes devices for car immobilisation, animal identification, alarm systems, cable detection, waste management, personal identification, wireless voice links, access control, proximity sensors, anti-theft systems as well as RF anti-theft induction systems, data transfer to hand-held devices, automatic article identification, wireless control systems and automatic road tolling.

<sup>a</sup> Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices (OJ L 189, 20.7.1990, p. 17).