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## COMMISSION IMPLEMENTING DECISION

of XXX

**amending Implementing Decision (EU) 2018/1538 as regards the update of harmonised technical conditions for short-range devices within the 874-876 and 915-921 MHz frequency bands**

(Text with EEA relevance)

# COMMISSION IMPLEMENTING DECISION

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## **amending Implementing Decision (EU) 2018/1538 as regards the update of harmonised technical conditions for short-range devices within the 874-876 and 915-921 MHz frequency bands**

(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<sup>1</sup>, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2018/1538<sup>2</sup> harmonises the technical conditions for the use of the 874-876 and 915-921 MHz frequency bands by technically advanced radio frequency identification ('RFID') solutions as well as 'Internet of Things' applications based on networked short-range devices in data networks. In those frequency bands, the sharing environment is different compared to that applicable under Commission Decision 2006/771/EC<sup>3</sup>, therefore, a specific regulatory regime is required.
- (2) While the 873-874,4 MHz and 918-919,4 MHz bands are not harmonised for use by the global system for mobile communications for railway ('GSM-R'), by Union law or by a Decision of the European Communications Committee, those frequency bands may be used for this purpose on a national basis subject to a national decision in line with the Radio Regulations of the International Telecommunication Union. Therefore, where harmonised technical conditions would not be sufficient to protect the use of those bands for a national extension of GSM for Railways ('E-GSM-R'), concerned Member States are allowed to subject the use of short-range devices to additional requirements without impacting the harmonised technical conditions for access to spectrum for short-range devices within the bands. Such restrictions, where needed in a particular Member State, should ensure that coordination between spectrum users takes place, enabling geographic sharing between E-GSM-R on the one hand and RFID devices and networked short-range devices on the other.

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<sup>1</sup> OJ L 108, 24.4.2002, p. 1, ELI: [http://data.europa.eu/eli/dec/2002/676\(1\)/oj](http://data.europa.eu/eli/dec/2002/676(1)/oj).

<sup>2</sup> Commission Implementing Decision (EU) 2018/1538 of 11 October 2018 on the harmonisation of radio spectrum for use by short-range devices within the 874-876 and 915-921 MHz frequency bands (OJ L 257, 15.10.2018, p. 57, ELI: [http://data.europa.eu/eli/dec\\_impl/2018/1538/oj](http://data.europa.eu/eli/dec_impl/2018/1538/oj)).

<sup>3</sup> Commission Decision 2006/771/EC of 9 November 2006 on harmonisation of the radio spectrum for use by short-range devices (OJ L 312, 11.11.2006, p. 66, ELI: [http://data.europa.eu/eli/dec/2006/771\(2\)/oj](http://data.europa.eu/eli/dec/2006/771(2)/oj)).

- (3) The harmonised use for railway mobile radio of the paired frequency bands 874,4-880,0 MHz and 919,4-925,0 MHz, which are adjacent to the frequency bands 874-874,4 MHz and 916,1-919,4 MHz that are harmonised for short-range devices by Implementing Decision (EU) 2018/1538, is subject to Commission Implementing Decision (EU) 2021/1730<sup>4</sup>. The coexistence between the short-range devices operating in the 874-874,4 MHz and 917,4-919,4 MHz frequency bands and railway mobile radio operating in the adjacent frequency bands 874,4-880,0 MHz and 919,4-925,0 MHz was assessed in Report 74 of the European Conference of Postal and Telecommunications Administrations ('CEPT').
- (4) According to Article 1(4) of Decision No 676/2002/EC, Member States have the right to organise and use their radio spectrum for public order and public security purposes and defence. As a consequence, they remain free to protect the existing and future use of the 874-876 and 915-921 MHz frequency bands and of the adjacent bands for military and other public security and public order purposes when making available the harmonised frequency bands for networked short-range devices in accordance with Decision (EU) 2018/1538.
- (5) On 8 March 2024, CEPT Report 85 was submitted to the Commission in response to the permanent mandate issued to the CEPT in 2006 in accordance with Article 4(2) of Decision No 676/2002/EC and to a guidance letter of the Commission for the ninth cycle of updates to implementing decisions on short-range devices. In Report 85, the CEPT proposed the extension of the harmonised frequency ranges applicable to wideband data transmission devices from 916.4 MHz to 919.4 MHz (band no 2) and to non-specific short-range devices from 916.1 MHz to 919.4 MHz (band no 5).
- (6) On the basis of the work carried out by the CEPT and resulting in CEPT Report 85, it can be concluded that it is appropriate to extend the harmonised frequency ranges for wideband data transmission devices and to non-specific short-range devices in accordance with the proposals made by the CEPT.
- (7) Implementing Decision (EU) 2018/1538 should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The Annex to Implementing Decision (EU) 2018/1538 is amended as set out in the Annex to this Decision.

#### *Article 2*

This Decision is addressed to the Member States.

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<sup>4</sup> Commission Implementing Decision (EU) 2021/1730 of 28 September 2021 on the harmonised use of the paired frequency bands 874,4-880,0 MHz and 919,4-925,0 MHz and of the unpaired frequency band 1900-1910 MHz for Railway Mobile Radio (OJ L 346, 30.9.2021, p. 1, ELI: [http://data.europa.eu/eli/dec\\_impl/2021/1730/oj](http://data.europa.eu/eli/dec_impl/2021/1730/oj)).

Done at Brussels,

*For the Commission*  
*Margrethe Vestager*  
*Executive Vice-President of the Commission*