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**COMMISSION IMPLEMENTING DECISION**

of **XXX**

**amending Commission Implementing Decision (EU) 2019/785 on the harmonisation of  
radio spectrum for equipment using ultra-wideband technology in the Union**

(Text with EEA relevance)

# COMMISSION IMPLEMENTING DECISION

of **XXX**

## **amending Implementing Decision (EU) 2019/785 on the harmonisation of radio spectrum for equipment using ultra-wideband technology in the Union**

(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) Commission Implementing Decision (EU) 2019/785 of 14 May 2019 on the harmonisation of radio spectrum for equipment using ultra-wideband technology in the Union and repealing Decision 2007/131/EC <sup>(2)</sup> harmonises the technical conditions for spectrum use by radio equipment based on ultra-wideband (UWB) technology in the Union, ensuring that radio spectrum is available across the Union under harmonised conditions, eliminating barriers to the take-up of UWB technology and creating an effective single market for UWB systems with significant economies of scale and benefits to the consumer.
- (2) Although ultra-wideband signals are typically of extremely low power, the possibility of harmful interference with existing radiocommunication services exists and needs to be managed. Therefore it is necessary to avoid harmful interference (including where this might arise from access to the radio spectrum by radio astronomy, earth exploration satellite and space research systems) and balance the incumbent services' interests against the overall policy objective of providing favourable conditions for the introduction of innovative technologies for the benefit of society.
- (3) On 16 March 2017, the Commission issued a permanent mandate, pursuant to Decision 676/2002/EC, to the European Conference of Postal and Telecommunications Administrations (CEPT) to identify the technical conditions for the harmonised introduction of radio applications based on UWB technology in the Union in order to provide updated technical conditions for such applications. That permanent mandate was amended in 2019 following the adoption of Commission Implementing Decision (EU) 2019/785 and repeal of Decision 2007/131/EC.
- (4) In response to that permanent mandate, on 7 July 2023 CEPT adopted a report <sup>(3)</sup> where it proposed to add the following use cases to the existing regulatory

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

<sup>(2)</sup> OJ L 127, 16.5.2019, p. 23.

<sup>(3)</sup> CEPT Report 84 – Report from CEPT to the European Commission in response to the Permanent Mandate on UWB: ‘Ultra-Wideband technology review in view of a potential update of Commission

framework for UWB in the 6-8.5 GHz band: fixed outdoor usage for location tracking applications, general vehicular applications and higher-power indoor-only applications.

- (5) The CEPT report also proposed clarifying that fixed outdoor, aircraft and road and railway vehicles are excluded from the scope of generic UWB usage as well as improving the structure of certain sections of the Annex and the terminology used.
- (6) It is necessary to support the overall harmonisation of the UWB regulatory framework in order to improve the consistency of limits and mitigation techniques between the different UWB regulations and allow for innovative solutions in the field of UWB technology.
- (7) It is necessary to set out regulatory limits and identify mitigation techniques to ensure efficient usage of spectrum while ensuring coexistence with other spectrum users. Technological evolution may provide other solutions that ensure at least an equivalent level of spectrum protection. For this reason, the use of alternative mitigation techniques, such as solutions found in future possible harmonised standards produced by the European Standardisation Organisations, should be allowed provided they ensure at least an equivalent level of performance and spectrum protection and verifiably respect the established technical requirements of this regulatory framework.
- (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*

Implementing Decision (EU) 2019/785 is amended as follows:

(1) in Article 2, point (i) is replaced by the following:

‘(i) ‘total radiated power spectral density’ (TRPsd) means the average of the mean radiated power spectral density (e.i.r.p.) values measured with a resolution of 15 degrees over a sphere around the UWB device (generic or vehicular use) or around the use case-related scenario (as indirect emissions for UWB devices determining materials;’;

(2) Article 3 is replaced by the following:

#### *‘Article 3*

Within 6 months after this Decision takes effect, Member States shall designate and make available the radio spectrum, on a non-interference and non-protected basis, for equipment using ultra-wideband technology provided that such equipment meets the conditions set out in the Annex and it is used indoors or, if it is used outdoors, it is not attached to a fixed installation, a fixed infrastructure or a fixed outdoor antenna.

Equipment using ultra-wideband technology that meets the conditions set out in the Annex shall also be allowed in motor and railway vehicles or be allowed to be attached to a fixed

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Implementing Decision (EU) 2019/785’, approved on 7 July 2023 by the Electronic Communications Committee.

installation or fixed infrastructure or be used with a fixed outdoor antenna where explicitly permitted in the Annex.’;

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

*Article 2*

This Decision is addressed to Member States.

Done at Brussels,

*For the Commission*  
*Thierry Breton*  
*Member of the Commission*