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COMMISSION IMPLEMENTING REGULATION (EU) 2020/1070

of 20 July 2020

on specifying the characteristics of small-area wireless access points pursuant to Article 57 paragraph 2 of Directive (EU) 2018/1972 of the European Parliament and the Council establishing the European Electronic Communications Code

(Text with EEA relevance)

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COMMISSION IMPLEMENTING REGULATION (EU) 2020/1070

of 20 July 2020

on specifying the characteristics of small-area wireless access points pursuant to Article 57 paragraph 2 of Directive (EU) 2018/1972 of the European Parliament and the Council establishing the European Electronic Communications Code

(Text with EEA relevance)

Article 1

This Regulation lays down the physical and technical characteristics of small-area wireless access points referred to in the second subparagraph of Article 57(1) of Directive (EU) 2018/1972.

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Article 2

For the purposes of this Regulation, the following definitions shall apply:

(1) ‘equivalent isotropicalally radiated power (EIRP)’ means the product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna (absolute or isotropic gain);

(2) ‘antenna system’ means a hardware part of a small-area wireless access point that radiates radio frequency energy for the purpose of providing wireless connectivity to end users;

(3) ‘active antenna system (AAS)’ means an antenna system where the amplitude or phase, or both, between antenna elements is continually adjusted resulting in an antenna pattern that varies in response to short term changes in the radio environment; this excludes long-term beam shaping such as fixed electrical down tilt; in a small-area wireless access point equipped with an AAS, the latter is integrated as part of the small-area wireless access point;

(4) ‘indoor’ means any space, including transportation vehicles, that has a ceiling or roof or any fixed or moveable structure or device which is capable of covering all that space, and except for doors, windows and passageways, is wholly enclosed by walls or sides, either permanently or temporarily, regardless of the type of material used for the roof, wall or sides, and regardless of whether the structure is permanent or temporary;

(5) ‘outdoor’ means any space which is not indoor.

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Article 3

1. Small-area wireless access points referred to in the second subparagraph of Article 57(1) of Directive (EU) 2018/1972 shall comply with the requirements of the European standard laid down in point B of the Annex to this Regulation and shall either:

(a) be fully and safely integrated in their supporting structure and therefore invisible to the general public; or

(b) meet the conditions set out in point A of the Annex to this Regulation.

2. Paragraph 1 is without prejudice to powers of the Member States to determine the aggregate levels of electro-magnetic fields resulting from the colocation or the aggregation in a local area of small-area wireless access points, and to ensure compliance with applicable aggregate electro-magnetic fields exposure limits in accordance with Union law by means other than individual permits related to the deployment of small-area wireless access points.

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3. Operators which have deployed small-area wireless access points of classes E2 or E10 complying with the conditions laid down in paragraph 1 shall within 1 month from the deployment of each access point notify the national competent authority about the installation and location of those access points as well as whether those access points meet the requirements set out in paragraph 1, point (a) or (b).

Article 4

Member States shall regularly monitor and report to the Commission on the application of this Regulation and in particular on the application of Article 3(1), including on the technologies used by the small-area wireless access points deployed, the first time by 31 December 2021, subsequently, annually until 31 December 2023. As of 1 January 2024, Member States shall report to the Commission every 2 years, the first time by 31 March 2026. The relevant reports shall each cover a period of 2 calendar years and shall be submitted to the Commission by 31 March of the year following the end of the reporting period.

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Article 5

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union.*

It shall apply from 21 December 2020.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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ANNEX

A. **Conditions referred to in Article 3(1), point (b)**

1. The total volume of the part visible to the general public of a small-area wireless access point serving one or more radio spectrum users shall not exceed 30 litres.

2. The total volume of the parts visible to the general public of multiple separate small-area wireless access points sharing the same infrastructure site of an individual delimited surface such as a lamp post, a traffic light, a billboard or a bus stop, shall not exceed 30 litres.

3. In cases where the antenna system and other elements, such as a radio-frequency unit, a digital processor, a storage unit, a cooling system, power supply, cabling connections, backhaul elements or elements for earthing and fixation, of the small-area wireless access point are installed separately, any portion thereof in excess of 30 litres shall be invisible to the general public.

4. The small-area wireless access point shall have visual consistency with the supporting structure and a proportionate size relative to the overall size of the supporting structure, coherent shape, neutral colours to match or to blend with the supporting structure, and concealed cables, and shall not, together with other small-area wireless access points that are already installed in the same site or in adjacent sites, create aggregate visual clutter.

5. The weight of a small-area wireless access point and its shape shall not impose a structural reinforcement of the supporting structure.

6. A small-area wireless access point of the installation class E10 shall be deployed only in outdoor or in large indoor spaces, which have a ceiling height of at least 4 metres.

B. **Requirements of European standard referred to in Article 3(1)**

1. The deployment of small-area wireless access points shall be in accordance with the installation classes E0, E2 and E10 set out in clause 6.2.5, Table 2 of the European standard EN 62232:2022 ‘Determination of RF field strength, power density and SAR in the vicinity of base stations for the purpose of evaluating human exposure’.

2. In the case of multiple co-located antenna systems, or portions thereof, of one or more small-area wireless access points subject to this Regulation, the criteria for the EIRP set out in the standard referred to in point 1 shall apply to the sum of EIRP of all co-located antenna systems, or portions thereof. In the case of co-located deployment of antenna systems, or portions thereof, evidence of the compliance of the aggregate EIRP can be submitted jointly by the deploying entities, unless otherwise provided by national law.