

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on the frequency bands to be designated for the coordinated introduction of Road Transport Telematic Systems in the Community, including Road Information and Route Guidance Systems

(92/C 221/02)

COM(92) 341 final — SYN 441

(Submitted by the Commission on 28 July 1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the treaty establishing the European Economic Community, in particular Article 100a thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Council resolution 90/C 27/05 ⁽¹⁾ calls for special priority to be given to the development and inter-connection of trans-European networks notably, *inter alia*, in the area of telecommunications and transport;

Whereas the Community's research and development programme Drive (Dedicated road infrastructure for vehicle safety in Europe) ⁽²⁾ has identified a need for road transport telematic systems and the relevant requirements for standardization;

Whereas services depending on telematic equipment interoperable throughout Europe could play an important part in reducing traffic congestion and raising the level of service to users; whereas their application could make an important contribution towards the management of road traffic and fulfilling the other aims of Community transport policy;

Whereas the Community-wide operation of such systems will depend upon the provision of common frequency bands and associated harmonized standards;

Whereas an early decision on Community-wide frequency bands for road transport telematic systems is essential to avoid delay in the development and implementation of these systems;

Whereas for technical and commercial reasons, allocations both below 10 GHz and above 50 GHz are required;

Whereas initial road transport telematic applications, in particular road toll systems will require 10 MHz of bandwidth, whereas an additional 10 MHz may be necessary to meet the requirements of multi-lane roads in some countries;

Whereas the European Radiocommunications Committee has identified 5,795-5,805 GHz with a possible expansion in the band 5,805-5,815 GHz, taking account of national situations, as the most suitable frequency band for the initial road transport telematic systems in Europe;

Whereas additionally the European Radiocommunications Committee has identified the bands 63-64 GHz and 76-77 GHz for radar and future road transport telematic systems;

Whereas such allocations are in line with the allocations of use foreseen in the radio regulations of the International Telecommunications Union (ITU);

⁽¹⁾ Council resolution concerning trans-European networks (OJ No C 27, 6. 2. 1990, p. 8).

⁽²⁾ Council Decision 88/416/EEC on a Community programme in the field of road transport informatics and telecommunications (Drive), (OJ No L 206, 30. 7. 1988, p. 1).

Whereas the road transport telematic standards must take account of the safety of users and the need for Europe-wide interoperability;

Whereas Council Directive 89/336/EEC of 3 May 1989 ⁽¹⁾ on the approximation of the laws of Member States relating to electromagnetic compatibility is applicable, and particular attention must be taken to avoid harmful electromagnetic interference;

Whereas the progressive availability of the full range of the frequency bands set out above will be indispensable for the establishment of road transport telematic systems on a Europe-wide basis;

Whereas the 5 GHz allocation falls within a band allocated for use by industrial, scientific and medical (ISM) applications;

Whereas it is not possible for Member States to fully protect the road transport telematic system from ISM interference;

Whereas however, with careful design road transport telematic systems should be capable of frequency sharing with other systems and services;

Whereas the establishment of road transport telematic systems on a pan-European basis requires the allocation of common frequency bands; whereas this allocation would not be sufficiently achieved on an individual basis by the Member States and therefore for reasons of effectiveness could be better achieved at Community level,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purpose of this Directive, road transport telematic systems are defined as systems requiring data communication between road vehicles and between vehicles and the road infrastructure for various information-based travel and transport applications.

Article 2

Member States shall designate by 1 January 1993 for road transport telematic systems the frequency bands 5,795-5,805 GHz (with possible extension to 5,815 GHz), 63-64 GHz and 76-77 GHz.

Article 3

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within 12 months of its notification. They shall forthwith inform the Commission thereof.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 4

The Commission shall report to the Council on the implementation of this Directive not later than the end of 1995.

Article 5

This Directive is addressed to Member States.

⁽¹⁾ OJ No L 139, 23. 5. 1989, p. 19.