



Notification Number: 2001/210/E

Draft Royal Decree adopting the Regulation implementing General Telecommunications Act No 11/1998 of 24 April regarding certain conditions for the protection of the public radio domain, exposure limits and other restrictions on radio emissions and laying down health assessment criteria for sources of radio emissions.

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Message

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Message 002

Communication from the Commission - SG(2001) D/51079

Directive 98/34/EC

Translation of the message 001

Notification: 2001/210/E

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1. Structured Information Line

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2. Member State

Spain

3. Department Responsible

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4. Notification Number

2001/210/E - S00S

5. Title

Draft Royal Decree adopting the Regulation implementing General Telecommunications Act No 11/1998 of 24 April regarding certain conditions for the protection of the public radio domain, exposure limits and other restrictions on radio emissions and laying down health assessment criteria for sources of radio emissions.

6. Products Concerned

Energy emissions in the form of electromagnetic waves produced by radio broadcasting stations or received by



radio astronomy service stations.

7. Notification Under Another Act

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8. Main Content

The aim of the Regulation approved by this Royal Decree is on the one hand to regulate the conditions for the protection of the public radio domain and, on the other, to establish exposure limits and health assessment conditions for sources of radio emissions.

It also considers the appropriateness of providing citizens with information on the effects of electromagnetic fields and on the measures adopted in order to combat these effects.

This Regulation also lays down mechanisms for monitoring levels of exposure by means of the presentation of certifications and reports by telecommunications operators and the drawing up of inspection plans and an annual report by the Ministry of Science and Technology.

9. Brief Statement of Grounds

The recent introduction of competition in the Spanish telecommunications sector has led to a greater diversity of telecommunications services being available to companies and citizens. This is particularly noticeable in mobile telephone services. This increased diversity of services requires a large number of radio installations.

The Regulation approved by this Royal Decree, in the part referring to exposure limits for the general public with regard to radio emissions, responds to the concern expressed by some citizens, associations, local corporations, Autonomous Communities, etc., by establishing maximum exposure levels. Furthermore, it complies with the proposals contained in the motions of the Congress of Deputies and the Senate, which urged the government to implement a regulation with regard to the exposure of the general public to radio emissions from mobile telephone aerials.

This Regulation establishes exposure limits with regard to radio broadcasting systems based on Council Recommendation No 1999/519/EC of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields.

10. Reference Documents - Basic Texts

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11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

Sound broadcasting, television and mobile telephone network operators have installed over thirty thousand radio stations in Spain. These stations are situated, in some cases, close to residential areas, thus creating a need for the establishment of legislation which ensures the protection of the population's health in the face of emissions from radio stations. This legislation must be handled using the urgency procedure, given the reasons expounded hereunder.



There is currently a marked trend for public opinion to fear the effects of radio emissions on health, which coincides with the development of mobile telephone services and the deployment of a high number of radio base stations, belonging to the different networks being opened up by rival operators.

The aforementioned deployment of mobile telephone base stations is conditioned by technology itself, the assurance of certain quality parameters in the provision of services and the provision of wide geographical coverage. This means that mobile telephone base stations must often be situated, particularly in built-up areas, close to residential areas, and have a significant visual impact on citizens.

The aforementioned trend for public opinion to fear radio emissions is mainly based on the perceived lack of safety and the lack of a clear understanding of the risks to health represented by the said emissions, encouraged by certain groups, whose opinions differ regarding the appropriate exposure limits for the protection of human health. This opinion trend has been reflected in the media, and citizens' concerns have thus been extended and increased.

Given the existing situation of social concern, and the absence of approved legislation at national level determining maximum values for exposure, many town councils have decided to suspend the granting of licences for the installation of radio stations (in particular for mobile telephone base stations), as a precautionary measure, until regulations ensuring the protection of citizens' health are in place.

The precautions adopted by town councils have momentarily assuaged the worries and fears of public opinion, but obstruct and freeze the extension of mobile telephone networks, the installation of new, third-generation mobile networks and other networks such as fixed access networks through radio links.

Furthermore, the citizens' fears also threaten the continuity of the operation of certain existing radio stations, as power cuts and sabotage have taken place and rental contracts have been withdrawn, etc.

In addition to this, due to the lack of State legislation, Autonomous Communities and town councils are drawing up local or regional regulations on radio emissions, which are all different. Delaying the approval of the draft Regulation submitted could therefore increase the citizens' confusion and uncertainty regarding the effects of radio emissions and the necessary protection measures.

According to the operators, the problems concerning mobile telephone base stations, due to the citizens' fear of the effects on health of radio emissions, are as follows:

Telefónica Móviles España, S.A., states that it has encountered different types of problems (operational shutdown, refusal or deferral of the granting of municipal licences, withdrawal of rental contracts, etc.) potentially affecting a number of mobile telephone base stations in the order of 4000.

Airtel Móviles, S.A. has reported that it has had various difficulties with installations situated in 224 boroughs, affecting around 1400 radio stations.

Amena, the latest operator authorised to install a GSM mobile telephone network, has estimated the number of radio stations potentially affected by various types of difficulty at around 4000, half of its total number of stations.

Xfera has encountered similar problems with regard to the establishment of its third generation UMTS mobile network.

Given the proliferation of conflicting news which is alarming the population more and more and prejudicing the extension of telecommunications services in Spain, the final processing and adoption of the draft Royal Decree being submitted is extremely urgent, so that the concerns and fears expressed may be allayed as rapidly as



possible.

A delay in approving this draft Royal Decree would also prolong the citizens' fears and would result in a delay in the extension and improvement of mobile telephone networks and other networks providing services in Spain.

The creation of legislation setting exposure limits for the general public with regard to radio emissions (in accordance with values harmonised at European level, pursuant to the Council Recommendation of 12 July 1999 on the exposure of the general public to electromagnetic fields), responding to the concern expressed by citizens, associations, local corporations, Autonomous Communities, etc., contributing to the rapid and definitive elimination of the fear and anxiety currently being suffered by some citizens, preventing unjustified fears from spreading further and enabling continuity in the effective establishment of telecommunications services based in radio stations in Spain, is consequently of the utmost importance.

13. Confidentiality

No

14. Fiscal measures

No

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