

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.

This Regulation shall not apply to small-area wireless access points with an active antenna system.

Article 2

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

- (1) ‘equivalent isotropically 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.

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

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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.

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 notify the national competent authority within two weeks from the deployment of each such point about the installation and location of those access points as well as the requirements they meet in accordance with that paragraph.

Article 4

Member States shall regularly monitor and report to the Commission, the first time by 31 December 2021, and each year thereafter, on the application of this Regulation, in particular on the application of Article 3(1), including on the technologies used by the small-area wireless access points deployed.

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.

Done at Brussels, 20 July 2020.

For the Commission

The President

Ursula VON DER LEYEN

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/1070.