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Committee on Culture and Education

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**2010/0252(COD)**

4.2.2011

# **AMENDMENTS**

## **28 - 78**

**Draft opinion**  
**Petra Kammerevert**  
(PE454.499v01-00)

Establishing the first radio spectrum policy programme

Proposal for a decision  
(COM(2010)0471 – C7-0270/2010 – 2010/0252(COD))

**AM\_Com\_LegOpinion**

**Amendment28**  
**Rui Tavares**

**Proposal for a decision**  
**Recital 1**

*Text proposed by the Commission*

(1) Article 8a(3) of the Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)<sup>3</sup> provides that the Commission may submit a legislative proposal to the European Parliament and Council for establishing multiannual radio spectrum policy programmes setting out policy orientations and objectives for the strategic planning and harmonisation of the use of spectrum in accordance with the directives applicable to electronic communications networks and services. These policy orientations and objectives should refer to the availability and efficient use of spectrum necessary for the establishment and functioning of the internal market. This Decision is without prejudice to existing EU law, in particular Directives 1999/5/EC and Directives 2002/20/EC and 2002/21/EC, as well as Decision No 676/2002/EC. It is also without prejudice to measures taken at national level, in compliance with EU law, to pursue general interest objectives, in particular relating to content regulation and audio-visual policy and to the right of Member States to organise and use their spectrum for public order and public security purposes and defence.

*Amendment*

(1) Article 8a(3) of the Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)<sup>3</sup> provides that the Commission may submit a legislative proposal to the European Parliament and Council for establishing multiannual radio spectrum policy programmes setting out policy orientations and objectives for the strategic planning and harmonisation of the use of spectrum in accordance with the directives applicable to electronic communications networks and services. These policy orientations and objectives should refer to the availability and efficient use of spectrum necessary for the establishment and functioning of the internal market. This Decision is without prejudice to existing EU law, in particular Directives 1999/5/EC and Directives 2002/20/EC and 2002/21/EC, as well as Decision No 676/2002/EC. It is also without prejudice to measures taken at national level, in compliance with EU law, to pursue general interest objectives, in particular relating to content regulation and audio-visual policy and to the right of Member States to organise and use their spectrum for public order and public security purposes and defence. ***Furthermore, having realised that there is a real risk of interference in the general reception of audiovisual broadcasting - analogue or not -, such policies and the market it refers to must ensure a strong consumer's rights protection and proper public information on the forthcoming change.***

**Amendment 29**  
**Georgios Papanikolaou**

**Proposal for a decision**  
**Recital 2**

*Text proposed by the Commission*

(2) Spectrum is a key resource for essential sectors and services, including mobile, wireless broadband and satellite communications, television and radio broadcasting, transport, radiolocation, and applications such as alarm, remote controls, hearing aids, microphones, and medical equipment. It supports public services such as security and safety services, including civil protection, and scientific activities, such as meteorology, Earth observation, radio astronomy and space research. Regulatory measures on spectrum therefore have economic, safety, health, public interest, cultural, scientific, social, environmental and technical implications.

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Or. el

**Amendment 30**  
**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**  
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*Text proposed by the Commission*

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Or. de

**Amendment 31**  
**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**  
**Recital 3**

*Text proposed by the Commission*

(3) The strategic planning and harmonisation of spectrum use at Union level should enhance the single market for wireless electronic communications services and equipment as well as other Union policies requiring spectrum use, thus creating new opportunities for innovation and contributing to economic recovery and social integration across the Union, while at the same time respecting the important social, cultural and economic value of spectrum. To this end, the Union therefore needs a policy programme that covers the internal market in all Union policy areas involving the use of spectrum such as electronic communications, research and development, transport and energy.

*Amendment*

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Or. de

**Amendment 32**

**Silvia Costa**

**Proposal for a decision**

**Recital 5**

*Text proposed by the Commission*

(5) The first programme should specify guiding principles and objectives up to 2015 for Member States and Union institutions, and set out specific implementation initiatives. ***While spectrum management is still largely*** a national competence, ***it should*** be exercised in compliance with existing ***Union*** law and allow for ***action to pursue Union policies***.

*Amendment*

(5) The first programme should specify guiding principles and objectives up to 2015 for Member States and Union institutions, and set out specific implementation initiatives. ***Spectrum management is*** a national competence ***and must*** be exercised in compliance with existing ***EU*** law and allow for ***measures to be adopted to pursue an EU spectrum policy***. ***Pursuant to Article 8a(1) of the Framework Directive, Member States are required to cooperate with one another and with the Commission in connection with the strategic planning, coordination and harmonisation of spectrum use.***

Or. it

**Amendment 33**

**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**

**Recital 6**

*Text proposed by the Commission*

(6) The programme should also take into account 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) and the technical expertise of the European Conference of Postal and Telecommunications Administrations (CEPT) ***so that*** Union policies which rely on spectrum and were agreed by Parliament and Council ***can*** be

*Amendment*

(6) The programme should also take into account 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) and the technical expertise of the European Conference of Postal and Telecommunications Administrations (CEPT). Union policies which rely on spectrum and were agreed by Parliament and Council ***should*** be implemented by

implemented by technical implementing measures, *noting that such measures can be taken whenever necessary to implement already existing Union policies.*

technical implementing measures *in so far as there is express statutory provision for this.*

Or. de

**Amendment 34**  
**Silvia Costa**

**Proposal for a decision**  
**Recital 8**

*Text proposed by the Commission*

(8) Spectrum rights trading combined with flexible usage conditions should substantially benefit economic growth. Therefore, bands where flexible use has already been introduced by Union law ***should be immediately*** made tradable pursuant to the Framework Directive. In addition, common principles for the format and content of such tradable rights as well as common measures to prevent accumulation of spectrum which may create dominant positions as well as undue failure to use acquired spectrum, would facilitate the coordinated introduction by all Member States of these measures and facilitate acquisition of such rights anywhere in the Union.

*Amendment*

(8) Spectrum rights trading combined with flexible usage conditions should substantially benefit economic growth. Therefore, bands where flexible use has already been introduced by Union law ***could be*** made tradable pursuant to the Framework Directive. In addition, common principles for the format and content of such tradable rights as well as common measures to prevent accumulation of spectrum which may create dominant positions as well as undue failure to use acquired spectrum, would facilitate the coordinated introduction by all Member States of these measures and facilitate acquisition of such rights anywhere in the Union.

Or. it

**Amendment 35**  
**Nadja Hirsch**

**Proposal for a decision**  
**Recital 9**

(9) As underlined in the Digital Agenda for Europe, wireless broadband is an important means to boost competition, consumer choice and access in rural and other areas where deployment of wired broadband is difficult or economically unviable.

However, spectrum management may affect competition by changing the role and power of market players, for example if existing users receive undue competitive advantages. Limited spectrum access, in particular when appropriate spectrum becomes scarcer, can create a barrier to entry for new services or applications and hamper innovation and competition.

Acquisition of new usage rights, including through spectrum trading or other transactions between users, and the introduction of new flexible criteria for spectrum use can have an impact on the existing competitive situation. Member States should therefore take appropriate ex ante or ex post regulatory measures (such as action to amend existing rights, to prohibit certain acquisitions of spectrum rights, to impose conditions on spectrum hoarding and efficient use such as those referred to in Article 9 paragraph 7 of the Framework Directive, to limit the amount of spectrum for each operator, or to avoid excessive accumulation of spectrum) to avoid distortions of competition in line with the principles underpinning Article 5(6) of Directive 2002/20/EC (the "Authorisation" Directive) and Article 1(2) of Directive 87/372/EEC (the "GSM" Directive).

(9) As underlined in the Digital Agenda for Europe, wireless broadband is an important means to boost competition, consumer choice and access in rural and other areas where deployment of wired broadband is difficult or economically unviable.

However, spectrum management may affect competition by changing the role and power of market players, for example if existing users receive undue competitive advantages. ***Award conditions should be framed so as to permit a level playing field in competition with regard to rural coverage and not hinder newcomers from entering the market. Furthermore, it should not be permissible to discriminate against new technologies, either, solely because they are subsequently available on the market.***

Limited spectrum access, in particular when appropriate spectrum becomes scarcer, can create a barrier to entry for new services or applications and hamper innovation and competition.

Acquisition of new usage rights, including through spectrum trading or other transactions between users, and the introduction of new flexible criteria for spectrum use can have an impact on the existing competitive situation. Member States should therefore take appropriate ex ante or ex post regulatory measures (such as action to amend existing rights, to prohibit certain acquisitions of spectrum rights, to impose conditions on spectrum hoarding and efficient use such as those referred to in Article 9 paragraph 7 of the Framework Directive, to limit the amount of spectrum for each operator, or to avoid excessive accumulation of spectrum) to avoid distortions of competition in line with the principles underpinning Article 5(6) of Directive 2002/20/EC (the "Authorisation" Directive) and Article 1(2) of Directive 87/372/EEC (the "GSM" Directive).



**Amendment 36****Piotr Borys, Róza Gräfin von Thun und Hohenstein****Proposal for a decision****Recital 10***Text proposed by the Commission*

(10) Optimal and efficient spectrum use requires continuous monitoring of developments, and up-to-date transparent information on spectrum use throughout the Union. While Commission Decision 2007/344/EC on harmonised availability of information regarding spectrum use within the Community<sup>6</sup> requires Member States to publish information on usage rights, a detailed inventory of existing spectrum use together with an effective review and assessment methodology are necessary in the Union to improve the efficiency of spectrum and radio equipment use, in particular between 300 MHz and 3 GHz. This would help to identify inefficient technologies and usages in both the *commercial* and public sectors, as well as unused assignments and sharing opportunities, and to evaluate future consumer and business needs.

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Or. en

*Justification*

*Clarification needed. Spectrum is also used by both private and non commercial sector.*

**Amendment 37****Hella Ranner, Sabine Verheyen****Proposal for a decision****Recital 11**

*Text proposed by the Commission*

(11) Harmonised standards under Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment **and** the mutual recognition of their conformity are essential to achieve efficient spectrum use and should **take account of legally defined sharing conditions**. European standards for non-radio electric and electronic equipment and networks should also avoid disturbance to spectrum use. The cumulative impact of the increasing volume and density of wireless devices and applications combined with the diversity of spectrum use challenges current approaches to interference management. These should be examined and reassessed together with receiver characteristics and more sophisticated interference avoidance mechanisms.

*Amendment*

(11) Harmonised standards under Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment, the mutual recognition of their conformity **and future harmonisations in respect of electronic networks and wireless devices** are essential to achieve efficient spectrum use and should **ensure the coexistence of existing and new applications**. European standards for non-radio electric and electronic equipment and networks should also avoid disturbance to spectrum use. The cumulative impact of the increasing volume and density of wireless devices and applications combined with the diversity of spectrum use challenges current approaches to interference management. These should be examined and reassessed together with receiver characteristics - **such as increasing reliability of receivers and appropriate output levels for emitting devices** - and more sophisticated interference avoidance mechanisms.

Or. de

**Amendment 38**  
**Petra Kammerevert**

**Proposal for a decision**  
**Recital 11**

*Text proposed by the Commission*

(11) Harmonised standards under Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity<sup>7</sup> are essential to achieve efficient spectrum use

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and should take account of legally defined sharing conditions **and facilitate co-existence between new and existing devices**. European standards for non-radio electric and electronic equipment and networks should also avoid disturbance to spectrum use. The cumulative impact of the increasing volume and density of wireless devices and applications combined with the diversity of spectrum use challenges current approaches to interference management. These should be examined and reassessed together with receiver characteristics and more sophisticated interference avoidance mechanisms.

Or. en

**Amendment 39**  
**Sabine Verheyen, Hella Ranner**

**Proposal for a decision**  
**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) New Long-Term Evolution (LTE) broadband mobile communications networks are being rolled out in various Member States. Those networks use the 790-862 MHz frequency band. Some radio microphones currently operate in that band, possibly causing interference. This may also concern devices operated in schools, theatres and conference venues or by other commercial, public or private users. The requisite technical retrofitting will be achievable only with considerable financial outlay, and it is imperative to clarify where responsibility lies in this connection.***

Or. de

**Amendment 40**  
**Hannu Takkula**

**Proposal for a decision**  
**Recital 13**

*Text proposed by the Commission*

(13) The 800 MHz band **is optimal** for the coverage of large areas by wireless broadband services. Building on the harmonisation of technical conditions under Decision 2010/267/EU, and on Commission Recommendation of 28 October 2009 calling for analogue broadcasting to be switched off by 1 January 2012, and given rapid national regulatory developments, this band should in principle be made available for electronic communications in the Union by **2013**. In the longer term, additional spectrum **below 790 MHz** could also be envisaged, depending on experience and the lack of spectrum in other bands adequate for coverage. Considering the capacity of the 800 MHz band to transmit over large areas, coverage obligations should be attached to rights.

*Amendment*

(13) The 800 MHz band **can be used** for the coverage of large areas by wireless broadband services. Building on the harmonisation of technical conditions under Decision 2010/267/EU, and on Commission Recommendation of 28 October 2009 calling for analogue broadcasting to be switched off by 1 January 2012, and given rapid national regulatory developments, this band should in principle be made available for electronic communications in the Union by **2015**. In the longer term, additional spectrum **in the UHF band** could also be envisaged, depending on **actual market demands, social and cultural objectives**, experience and the lack of spectrum in other bands adequate for coverage. Considering the capacity of the 800 MHz band to transmit over large areas, coverage obligations should be attached to rights.

Or. en

**Amendment 41**  
**Marco Scurria**

**Proposal for a decision**  
**Recital 13**

*Text proposed by the Commission*

(13) The 800 MHz band is optimal for the coverage of large areas by wireless broadband services. Building on the harmonisation of technical conditions under Decision 2010/267/EU, and on Commission Recommendation of 28

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(13) The 800 MHz band is optimal for the coverage of large areas by wireless broadband services. Building on the harmonisation of technical conditions under Decision 2010/267/EU, and on Commission Recommendation of 28

October 2009 calling for analogue broadcasting to be switched off by 1 January 2012, and given rapid national regulatory developments, this band should in principle be made available for electronic communications in the Union by 2013. In the longer term, additional spectrum below 790 MHz could also be envisaged, depending on experience and the lack of spectrum in other bands adequate for coverage. ***Considering the capacity of the 800 MHz band to transmit over large areas, coverage obligations should be attached to rights.***

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Or. en

**Amendment 42**  
**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**  
**Recital 15**

*Text proposed by the Commission*

(15) Additional spectrum may be needed by other sectors such as transport (for safety, information and management systems), R&D, public protection and disaster relief, e-health **and** e-inclusion. Optimising synergies between spectrum policy and R&D activities and carrying out studies of radio compatibility between different spectrum users should help innovation. The Commission's Joint Research Centre should help in developing the technical aspects of spectrum regulation, notably by providing testing facilities to verify interference models relevant to Union legislation. Moreover, results of research under the Seventh Framework Programme require the examination of the spectrum needs of projects that may have a large economic or investment potential, in particular for SMEs, e.g. cognitive radio or e-health.

*Amendment*

(15) Additional spectrum may be needed by other sectors such as transport (for safety, information and management systems), R&D, public protection and disaster relief, e-health, e-inclusion **and culture**. Optimising synergies between spectrum policy and R&D activities and carrying out studies of radio compatibility between different spectrum users should help innovation. The Commission's Joint Research Centre should help in developing the technical aspects of spectrum regulation, notably by providing testing facilities to verify interference models relevant to Union legislation. Moreover, results of research under the Seventh Framework Programme require the examination of the spectrum needs of projects that may have a large economic or investment potential, in particular for SMEs, e.g. cognitive radio or e-health.

Adequate protection against harmful interference should also be ensured to sustain R&D and scientific activities.

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Or. de

**Amendment 43**  
**Rui Tavares**

**Proposal for a decision**  
**Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***15a. Moreover, the expansion of the spectrum by the abovementioned sectors should be accompanied by means of public information on the additional use of the spectrum, as well as training programmes, allowing citizens to expand the inherent official initiatives and creating a real ability to mobilise society.***

Or. en

**Amendment 44**  
**Marco Scurria**

**Proposal for a decision**  
**Recital 25 a (new)**

*Text proposed by the Commission*

*Amendment*

***(25a) This Decision is without prejudice to the protection afforded to market players by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated***

*facilities, and 2002/20/EC on the  
authorisation of electronic  
communications networks and services<sup>1</sup>;*

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<sup>1</sup> *OJ L 337, 18.12.2009, p. 37.*

Or. it

**Amendment 45**  
**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**  
**Article 1 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

*It is without prejudice to measures taken  
at national level, in compliance with  
Union law, to pursue general interest  
objectives, in particular relating to  
content regulation and audiovisual policy  
and to the right of Member States to  
organise and use their spectrum for  
public order and public security purposes  
and defence.*

Or. de

**Amendment 46**  
**Nadja Hirsch**

**Proposal for a decision**  
**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) encouraging efficient use of spectrum  
to best meet the increasing demand for use  
of frequencies;

(a) encouraging efficient use of spectrum  
to best meet the increasing demand for use  
of frequencies; *this shall be based on  
compliance with the principles of  
flexibility, effective use of frequencies in  
line with needs, and ensuring level-  
playing-field and non-discriminatory*

*competition;*

Or. de

**Amendment 47**  
**Rui Tavares**

**Proposal for a decision**  
**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) encouraging efficient use of spectrum to best meet the increasing demand for use of frequencies;

*Amendment*

(a) encouraging efficient use of spectrum to best meet the increasing demand for use of frequencies, *without prejudice to the rights of consumers, especially those who still depend on analogue distribution as their only means of accessing public broadcasting and communications, in particular elderly citizens, inhabitants of rural areas and the 'info-excluded'*.

Or. en

**Amendment 48**  
**Nadja Hirsch**

**Proposal for a decision**  
**Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) applying the *least onerous* authorisation system possible in such a way as to maximise flexibility and efficiency in spectrum usage;

*Amendment*

(c) applying the *most appropriate* authorisation system possible in such a way as to maximise flexibility and efficiency in spectrum usage;

Or. en



**Amendment 49**  
**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**  
**Article 2 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) guaranteeing the functioning of the internal market, in particular by ensuring effective competition.

*Amendment*

(d) guaranteeing the functioning of the internal market, in particular by ensuring effective competition, ***so as to foster cultural diversity and media pluralism in accordance with Directive 2002/21/EC as amended by Directive 2009/140/EC.***

Or. de

**Amendment 50**  
**Malika Benarab-Attou**

**Proposal for a decision**  
**Article 2 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) guaranteeing the functioning of the internal market, in particular by ensuring effective competition.

*Amendment*

(d) guaranteeing the functioning of the internal market, in particular by ensuring effective competition, ***while also pursuing the objectives of cultural diversity and social and territorial cohesion.***

Or. fr

**Amendment 51**  
**Marietje Schaake**

**Proposal for a decision**  
**Article 2 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) guaranteeing the functioning of the internal market, in particular by ensuring effective competition.

*Amendment*

(d) guaranteeing the functioning of the internal market, in particular by ensuring effective competition, ***taking account of the objectives of cultural diversity and***

*media pluralism, and of social and territorial cohesion.*

Or. en

**Amendment 52**

**Nadja Hirsch**

**Proposal for a decision**

**Article 3 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) make sufficient appropriate spectrum available in a timely manner to support Union policy objectives;

*Amendment*

(a) make sufficient appropriate spectrum available in a timely manner to support Union policy objectives ***in the social, cultural and economic fields;***

Or. de

**Amendment 53**

**Rui Tavares**

**Proposal for a decision**

**Article 3 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) make sufficient appropriate spectrum available in a timely manner to support Union policy objectives;

*Amendment*

(a) make sufficient appropriate spectrum available in a timely manner to support Union policy objectives, ***including adopting enhanced measures of protecting local or regional radio broadcasters that depend on local or regional financial support from a strong competitive market, which results in better media diversity.***

Or. en

**Amendment 54**  
**Sabine Verheyen, Hella Ranner**

**Proposal for a decision**  
**Article 3 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) make spectrum use more efficient by giving preference to technologies which use little spectrum; make complementary use of technological features such as hotspots and Wi-Fi, for example, which require no spectrum;***

Or. de

**Amendment 55**  
**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**  
**Article 3 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) enhance the efficient use of spectrum by harnessing the benefits of general authorisations and increasing the use of such types of authorisation;

(c) enhance the efficient use of spectrum by harnessing the benefits of general authorisations and increasing the use of such types of authorisation; ***improve the position of consumers with regard to the coexistence of old and new applications;***

Or. de

**Amendment 56**  
**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**  
**Article 3 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

(f) avoid harmful interference or disturbance by other radio or non-radio devices by facilitating the development of

(f) avoid harmful interference or disturbance by other radio or non-radio devices by facilitating the development of

standards allowing for flexible and efficient use of spectrum, and increasing immunity of receivers to interference, taking particular account of the cumulative impact of the increasing volumes and density of radio devices and applications;

standards allowing for flexible and efficient use of spectrum, and increasing immunity of receivers to interference **or appropriate output controls for them**, taking particular account of the cumulative impact of the increasing volumes and density of radio devices and applications;

Or. de

**Amendment 57**  
**Petra Kammerevert**

**Proposal for a decision**  
**Article 3 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) avoid harmful interference or disturbance **by other radio or non-radio** devices by facilitating the development of standards allowing for flexible and efficient use of spectrum, and increasing immunity of receivers to interference, taking particular account of the cumulative impact of the increasing volumes and density of radio devices and applications;

*Amendment*

(f) avoid harmful interference or disturbance **between** devices by facilitating the development of standards allowing for flexible and efficient use of spectrum, and increasing immunity of receivers to interference, taking particular account of the cumulative impact of the increasing volumes and density of radio devices and applications;

Or. en

**Amendment 58**  
**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall ensure that selection conditions and procedures promote investment and efficient use of spectrum.

*Amendment*

4. Member States shall ensure that selection conditions and procedures promote investment, efficient use of spectrum **and the coexistence of existing and new applications for the consumer**.

**Amendment 59**  
**Petra Kammerevert**

**Proposal for a decision**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall ensure that selection conditions and procedures promote investment and efficient use of spectrum.

*Amendment*

4. Member States shall ensure that selection conditions and procedures promote investment and efficient use of spectrum *and co-existence between new and existing services and devices for the benefit of end users and consumers.*

**Amendment 60**  
**Jean-Marie Cavada**

**Proposal for a decision**  
**Article 5 – title**

*Text proposed by the Commission*

*Competition*

*Amendment*

*Regulatory principles for competition in the field of electronic communications*

**Amendment 61**  
**Jean-Marie Cavada**

**Proposal for a decision**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

*1. Member States shall maintain and promote effective competition and avoid distortions of competition in the internal*

*Amendment*

*deleted*

*market or in a substantial part of it.*

Or. fr

## **Amendment 62**

**Jean-Marie Cavada**

### **Proposal for a decision**

#### **Article 5 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. In order to *implement fully the obligations of paragraph 1, and in particular to ensure that competition is not distorted by any accumulation, transfer or modification of rights of use for radio frequencies*, Member States may adopt *inter alia* the following measures, which are without prejudice to the application of competition rules:

*Amendment*

2. In order to *preserve and promote effective competition in the internal market, and pursuant to Article 9(7) of Directive 2009/140/EC*, Member States may adopt *inter alia* the following measures, which are without prejudice to the application of competition rules:

Or. fr

## **Amendment 63**

**Jean-Marie Cavada**

### **Proposal for a decision**

#### **Article 5 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall ensure that authorisation and selection procedures *avoid delays and* promote effective competition.

*Amendment*

3. Member States shall ensure that authorisation and selection procedures promote effective competition *and avoid unjustified delays*.

Or. fr

**Amendment 64**  
**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall ensure that authorisation and selection procedures avoid delays and promote effective competition.

*Amendment*

3. Member States shall ensure that authorisation and selection procedures avoid delays, promote effective competition **and take account of the position of consumers with regard to the coexistence of applications..**

Or. de

**Amendment 65**  
**Marco Scurria**

**Proposal for a decision**  
**Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Where Member States wish to adopt one of the measures under paragraph 2, they must do so in accordance with the conditions stipulated in Article 6 of the Authorisation Directive and in accordance with the procedures under Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services<sup>1</sup>;***

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<sup>1</sup> OJ L 337, 18.12.2009, p. 37.

**Amendment 66**  
**Hannu Takkula**

**Proposal for a decision**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall, by **1 January 2013** make the 800 MHz band available for electronic communications services in line with the harmonised technical conditions laid down pursuant to the Decision No 676/2002/EC. In Member States where ***exceptional national or local circumstances would prevent the availability of the band***, the Commission ***may authorise specific derogations until 2015***. In accordance with Article 9 of Directive 2002/21/EC , the Commission, in cooperation with the Member States, shall keep under review the use of the spectrum ***below 1GHz*** and assess whether additional spectrum could be freed and made available for new applications.

*Amendment*

3. Member States shall, by **17 June 2015** make the 800 MHz band available for electronic communications services in line with the harmonised technical conditions laid down pursuant to the Decision No 676/2002/EC. In Member States where ***the digital switchover process is already well advanced or completed and where the migration of incumbent services can be managed on time***, the Commission ***recommends to make the band available by 1 January 2013***. In accordance with Article 9 of Directive 2002/21/EC , the Commission, in cooperation with the Member States, shall keep under review the use of the ***UHF band (i.e. spectrum between 300 MHz and 3GHz)*** and assess whether additional spectrum could be freed and made available for new applications.

**Amendment 67**  
**Marco Scurria**

**Proposal for a decision**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall, by 1 January 2013 make the 800 MHz band available for electronic communications services in line with the harmonised technical conditions laid down pursuant to the Decision No

*Amendment*

3. Member States shall, by 1 January 2013 make the 800 MHz band available for electronic communications services in line with the harmonised technical conditions laid down pursuant to the Decision No



676/2002/EC. In *Member States where exceptional national or local circumstances would prevent the availability of the band*, the Commission may authorise specific derogations until 2015. In accordance with Article 9 of Directive 2002/21/EC, the Commission, in cooperation with the Member States, shall keep under review the use of the spectrum below 1GHz and assess whether additional spectrum could be freed and made available for *new applications*.

676/2002/EC. In *exceptional cases, duly justified for technical reasons*, the Commission may authorise specific derogations until 2015. In accordance with Article 9 of Directive 2002/21/EC, the Commission, in cooperation with the Member States, shall keep under review the use of the spectrum below 1GHz and assess whether additional spectrum could be freed and made available for *electronic communications services*.

Or. en

**Amendment 68**  
**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. Member States, in cooperation with the Commission, shall ensure that the provision of access to broadband content and services using the 790-862 MHz (800MHz) band is encouraged in sparsely populated areas, in particular through coverage obligations; in doing so, they shall examine ways and, where necessary, take appropriate measures to ensure that the freeing of the 800 MHz band does not adversely affect programme making and special events (PMSE) users.

*Amendment*

4. Member States, in cooperation with the Commission, shall ensure that the provision of access to broadband content and services using the 790-862 MHz (800MHz) band is encouraged in sparsely populated areas, in particular through coverage obligations; in doing so, they shall examine ways and, where necessary, take appropriate measures to ensure that the freeing of the 800 MHz band does not adversely affect programme making and special events (PMSE) users.

***In connection with reallocation of the 800 MHz band, Member States shall ensure interference-free use of receivers by end users.***

Or. de

**Amendment 69**  
**Marco Scurria**

**Proposal for a decision**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

4. Member States, in cooperation with the Commission, shall ensure that the provision of access to broadband content and services using the 790-862 MHz (800MHz) band is encouraged in sparsely populated areas, ***in particular through coverage obligations***; in doing so, they shall examine ways and, where necessary, take appropriate measures to ensure that the freeing of the 800 MHz band does not adversely affect programme making and special events (PMSE) users.

*Amendment*

4. Member States, in cooperation with the Commission, shall ensure that the provision of access to broadband content and services using the 790-862 MHz (800MHz) band is encouraged in sparsely populated areas; in doing so, they shall examine ways and, where necessary, take appropriate measures to ensure that the freeing of the 800 MHz band does not adversely affect programme making and special events (PMSE) users.

Or. en

**Amendment 70**  
**Malika Benarab-Attou**

**Proposal for a decision**  
**Article 6 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The Member States, in cooperation with the Commission, shall ensure that the requisite technical and regulatory measures are implemented to avoid interference between electronic communications services in the 800 MHz frequency band and PMSE users at below 790 MHz.***

Or. fr

**Amendment 71**  
**Nadja Hirsch**

**Proposal for a decision**  
**Article 6 – paragraph 6**

*Text proposed by the Commission*

6. If necessary, the Commission shall ensure the availability of additional spectrum bands for the provision of harmonised satellite services for broadband access that will cover the whole territory of the Union including the most remote areas with a broadband offering enabling Internet access at *a comparable price to terrestrial offerings*.

*Amendment*

6. If necessary, the Commission shall ensure the availability of additional spectrum bands for the provision of harmonised satellite services for broadband access that will cover the whole territory of the Union including the most remote areas with a broadband offering enabling Internet access at *competitive prices*.

Or. de

**Amendment 72**  
**Marco Scurria**

**Proposal for a decision**  
**Article 6 – paragraph 6**

*Text proposed by the Commission*

6. If necessary, the Commission shall ensure the availability of *additional* spectrum *bands* for the provision of harmonised satellite services for broadband access that will cover the whole territory of the Union including the most remote areas with a broadband offering enabling Internet access *at a comparable price to terrestrial offerings*.

*Amendment*

6. If necessary, the Commission shall ensure the *continued* availability of spectrum for the provision of harmonised satellite services for broadband access that will cover the whole territory of the Union including the most remote areas with a broadband offering enabling Internet access.

Or. en

**Amendment 73**  
**Jean-Marie Cavada**

**Proposal for a decision**  
**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. In order to support the future development of innovative audiovisual media services, and in particular those stemming from the switch to digital television, the Member States shall, in cooperation with the Commission, and in consideration of the economic and social benefits of the internal digital market, ensure spectrum availability for the provision of audiovisual media services and protect the radio frequencies these require.***

Or. fr

**Amendment 74**  
**Marietje Schaake**

**Proposal for a decision**  
**Article 7 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. ***If necessary***, the Commission shall ensure that sufficient spectrum is made available under harmonised conditions to support the development of safety services and the free circulation of related devices as well as the development of innovative interoperable solutions for public safety and protection, civil protection and disaster relief.

3. The Commission shall ensure that sufficient spectrum is made available under harmonised conditions to support the development of safety services and the free circulation of related devices as well as the development of innovative interoperable solutions for public safety and protection, civil protection and disaster relief.

Or. en

**Amendment 75**  
**Georgios Papanikolaou**

**Proposal for a decision**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. Member States and the Commission shall review the spectrum needs of, and collaborate with, the scientific community; identify a number of research and development initiatives and innovative applications that may have a major socio-economic impact and/or potential for investment and prepare for the allocation of sufficient spectrum to such applications under harmonised technical conditions and the least onerous administrative burden.

*Amendment*

4. Member States and the Commission shall review the spectrum needs of, and collaborate with, the scientific **and academic** community; identify a number of research and development initiatives and innovative applications that may have a major socio-economic impact and/or potential for investment and prepare for the allocation of sufficient spectrum to such applications under harmonised technical conditions and the least onerous administrative burden.

Or. el

**Amendment 76**  
**Sabine Verheyen, Hella Ranner**

**Proposal for a decision**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. The inventory referred to in paragraph (1) shall allow the assessment of the technical efficiency of existing spectrum uses and the identification of inefficient technologies and applications, unused or inefficiently used spectrum and spectrum sharing opportunities. It shall take into account future needs for spectrum based on consumers' and operators' demands, and of the possibility to meet such needs.

*Amendment*

2. The inventory referred to in paragraph (1) shall allow the assessment of the technical efficiency of existing spectrum uses and the identification of inefficient technologies and applications, unused or inefficiently used spectrum and spectrum sharing opportunities. ***It shall also be ensured that, where usage is not optimum, the necessary measures are taken in order to maximise efficient use.*** It shall take into account future needs for spectrum based on consumers' and operators' demands, and of the possibility to meet such needs.

Or. de

**Amendment 77**  
**Marietje Schaake**

**Proposal for a decision**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The Union shall participate in international negotiations relating to spectrum matters to defend its interests, acting in accordance with Union law concerning, among other things, the principles of internal and external competences of the Union.

*Amendment*

1. The Union shall participate in international negotiations relating to spectrum matters to defend its interests, acting ***within a clear mandate from the European Parliament and the Council and*** in accordance with Union law concerning, among other things, the principles of internal and external competences of the Union.

Or. en

**Amendment 78**  
**Hella Ranner, Sabine Verheyen**

**Proposal for a decision**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall ensure that international regulations allow the full use of frequency bands for the purposes for which they are designated under Union law, and that a sufficient amount of appropriately protected spectrum is available for Union sectoral policies.

*Amendment*

3. Member States shall ensure that international regulations allow the full use of frequency bands for the purposes for which they are designated under ***Member State and*** Union law, and that a sufficient amount of appropriately protected spectrum is available for Union sectoral policies.

Or. de