



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Internal Market and Consumer Protection

2010/0252(COD)

7.3.2011

AMENDMENTS 22 - 105

Draft opinion
Eija-Riitta Korhola
(PE458.565v01-00)

on the Proposal for a Decision of the European Parliament and of the Council
establishing the first radio spectrum policy programme

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

AM_Com_LegOpinion

Amendment 22
Louis Grech

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)³ 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)³ 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. ***The radio spectrum policy programme is included among the 50 priority actions of the Single Market Act.*** 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. ***To this end, in support of the goals and key actions outlined in the EU2020 Strategy, the Digital Agenda, the Innovation Union and the Single Market Act Communication, the Commission should***

set the target date by which it will bring forward a legislative proposal for establishing a European Radio Spectrum Action Programme.

Or. en

Amendment 23
Jürgen Creutzmann

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) 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

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) 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, **2002/19/EC**, 2002/20/EC, 2002/21/EC **and 2009/140/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

order and public security purposes and defence.

spectrum for public order and public security purposes and defence.

Or. de

Amendment 24
Lena Kolarska-Bobińska

Proposal for a decision
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Spectrum is a publicly held good which can not be privately owned but which must be regulated by states in order to facilitate its usage by the means of licensed transmission rights or licence-free usage rights;

Or. en

Amendment 25
Lena Kolarska-Bobińska

Proposal for a decision
Recital 2

Text proposed by the Commission

Amendment

(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,

(2) Spectrum is a key **public** 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.

health, public interest, cultural, scientific, social, environmental and technical implications.

Or. en

Amendment 26
Louis Grech

Proposal for a decision
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) A renewed economic and social approach with regards to the management, allocation and utilisation of the spectrum should be adopted, whereby particular focus is directed towards the formulation of regulation which ensures greater spectrum efficiency, better frequency planning and safeguards against anti-competitive behaviour and the taking of anti-social measures with regards to the usage of the spectrum.

Or. en

Amendment 27
Hans-Peter Mayer

Proposal for a decision
Recital 3

Text proposed by the Commission

Amendment

(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

(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.

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. ***In no circumstances should current spectrum rights holders' concerns about their possible entitlements delay the necessary reforms.***

Or. de

Amendment 28
Cornelis de Jong, Eva-Britt Svensson

Proposal for a decision
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) In order to combat unfair spectrum accumulation by dominant market players and to promote greater consumer choice, this programme shall also ensure that spectrum is attributed in a fair and balanced way so that it enables service providers to offer to consumers a wide array of culturally diverse television, radio and digital broadcasting.

Or. en

Amendment 29
Christel Schaldemose

Proposal for a decision
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) In order to combat unfair spectrum accumulation by dominant market players and to promote greater consumer choice, this programme shall also ensure that spectrum is attributed in a fair and balanced way so that it enables service providers to offer to consumers a wide array of culturally diverse television, radio and digital broadcasting.

Or. en

Amendment 30
Hans-Peter Mayer

Proposal for a decision
Recital 5

Text proposed by the Commission

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. 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.

(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. ***Special national arrangements for spectrum use must be avoided, so as to prevent obstructive effects on European markets, although decisions to award usage rights should continue to be taken at national level and with regard to existing national business models.***

Or. de

Amendment 31
Jürgen Creutzmann

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. While spectrum management is largely a national competence, it should be exercised in compliance with existing Union law and allow for action to pursue Union policies.

Or. de

Amendment 32
Lena Kolarska-Bobińska

Proposal for a decision
Recital 7

Text proposed by the Commission

(7) Ensuring the optimal use of spectrum may require innovative authorisation solutions such as collective use of spectrum, general authorisations or infrastructure sharing. The application of such principles in the Union might be facilitated by the definition of certain common or converging conditions for spectrum usage. General authorisations, which are the least onerous authorisation system, are of particular interest where interference does not risk hampering the development of other services.

Amendment

(7) Ensuring the optimal use of spectrum *as a public good* may require innovative authorisation solutions such as collective use of spectrum, general authorisations or infrastructure sharing. The application of such principles in the Union might be facilitated by the definition of certain common or converging conditions for spectrum usage. General authorisations, which are the least onerous authorisation system, are of particular interest where interference does not risk hampering the development of other services.

Or. en

Amendment 33
Lena Kolarska-Bobińska

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 should be immediately made tradable pursuant to the Framework Directive. In addition, common principles for the format and content of such tradable rights, common measures to prevent accumulation of spectrum which may create dominant positions as well as undue failure to use acquired spectrum **and common standards for the removal of these licensed rights** would facilitate the coordinated introduction by all Member States of these measures and facilitate acquisition of such rights anywhere in the Union.

Or. en

Amendment 34
Hans-Peter Mayer

Proposal for a decision
Recital 9

Text proposed by the Commission

(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

Amendment

(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).

existing users receive undue competitive advantages. *Award conditions should be framed so as to permit a level playing field in competition with regard to coverage and not hinder newcomers from entering the market. New technologies, likewise, should not be disadvantaged simply because they are available on the market at a later date.* 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).

Or. de

Amendment 35
Catherine Stihler

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 conformity⁷ 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 and the mutual recognition of their conformity⁷ 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, ***with the aim of avoiding harmful interference or disturbance to the existing and future spectrum users.***

Or. en

Amendment 36
Christel Schaldemose

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

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 **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.

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 37
Catherine Stihler

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 38
Bernadette Vergnaud

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 is **useful** 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, **consideration could also be given to the possibility of using** additional spectrum **in the UHF band**, depending on **actual market demand, 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. fr

Amendment 39
Robert Rochefort

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

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 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.

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 **in the UHF band** could also be envisaged, depending on **actual market demand, 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. fr

Amendment 40
Jürgen Creutzmann

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

Amendment

(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 **should** also be **investigated, on the basis of the inventory of existing spectrum use and of possible future needs for spectrum in the Union, referred to in**

capacity of the 800 MHz band to transmit over large areas, coverage obligations should be attached to rights.

Article 8. Considering the capacity of the 800 MHz band to transmit over large areas, coverage obligations should be attached to rights.

Or. de

Amendment 41
Constance Le Grip

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 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 ***on the basis of the results of the inventory of existing spectrum use***, 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.

Or. fr

Amendment 42
Cristian Silviu Buşoi

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 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 ***should be envisaged for all types of services.*** Considering the capacity of the 800 MHz band to transmit over large areas, coverage obligations should be attached to rights.

Or. en

Justification

The principles of service and technology neutrality established in the revised Framework for Electronic Communications should be upheld in this Decision in order to allow a level playing field for all types of services and technologies for the ultimate benefit of consumers who will enjoy greater choice.

Amendment 43
Hans-Peter Mayer

Proposal for a decision
Recital 13

Text proposed by the Commission

(13) The 800 MHz band is optimal for the

Amendment

(13) ***In addition to the opening of 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.

900 MHz band in the near future, in line with the amended "GSM" Directive and in such a manner as to promote competition, 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. ***In addition, rapid implementation of the "GSM" Directive, in accordance with the principles of competition, is of key importance.***

Or. de

Amendment 44
Hans-Peter Mayer

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

Amendment

(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.

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. ***In addition, rapid implementation of the "GSM" Directive, in accordance with the principles of competition, is of key importance.***

Or. de

Amendment 45
Lena Kolarska-Bobińska

Proposal for a decision
Recital 14

Text proposed by the Commission

(14) Since a common approach and economies of scale are key to developing broadband communications throughout the Union and preventing competition distortion and market fragmentation among Member States, certain authorisation and procedural conditions could be defined in concerted action among Member States and with the Commission. Conditions could include coverage obligations, spectrum block size, the timing of granting rights, access to mobile virtual network operators (MVNOs) **and** the duration of rights of use. Reflecting the importance of spectrum trading for increasing efficient use of spectrum and developing the internal market for wireless equipment and services, these conditions should apply to spectrum bands that are allocated to

Amendment

(14) Since a common approach and economies of scale are key to developing broadband communications throughout the Union and preventing competition distortion and market fragmentation among Member States, certain authorisation and procedural conditions could be defined in concerted action among Member States and with the Commission. Conditions could include coverage obligations, spectrum block size, the timing of granting rights, access to mobile virtual network operators (MVNOs), the duration of rights of use **and the conditions by which rights can be withdrawn or transferred.** Reflecting the importance of spectrum trading for increasing efficient use of spectrum and developing the internal market for wireless equipment and

wireless communications, and for which rights of use may be transferred or leased.

services, these conditions should apply to spectrum bands that are allocated to wireless communications, and for which rights of use may be transferred or leased.

Or. en

Amendment 46
Jürgen Creutzmann

Proposal for a decision
Recital 14

Text proposed by the Commission

(14) Since a common approach and economies of scale are key to developing broadband communications throughout the Union and preventing competition distortion and market fragmentation among Member States, certain authorisation and procedural conditions could be defined in concerted action among Member States and with the Commission. Conditions could include coverage obligations, *spectrum block size*, the timing of granting rights, *access to mobile virtual network operators (MVNOs)* and the duration of rights of use. Reflecting the importance of spectrum trading for increasing efficient use of spectrum and developing the internal market for wireless equipment and services, these conditions should apply to spectrum bands that are allocated to wireless communications, and for which rights of use may be transferred or leased.

Amendment

(14) Since a common approach and economies of scale are key to developing broadband communications throughout the Union and preventing competition distortion and market fragmentation among Member States, certain authorisation and procedural conditions could be defined in concerted action among Member States and with the Commission. Conditions could include coverage obligations, the timing of granting rights and the duration of rights of use. Reflecting the importance of spectrum trading for increasing efficient use of spectrum and developing the internal market for wireless equipment and services, these conditions should apply to spectrum bands that are allocated to wireless communications, and for which rights of use may be transferred or leased.

Or. de

Amendment 47
Christel Schaldemose

Proposal for a decision
Recital 20

Text proposed by the Commission

(20) To evolve from current practice and building on the principles defined in the Council Conclusions of 3 February 1992 on procedures to be followed at the World Administrative Radio Conference of 1992, and where the World Radio communications Conferences (WRC) and other multilateral negotiations touch upon principles and policy issues with an important Union dimension, the Union should be able to establish new procedures to defend its interests in multilateral negotiations, ***in addition to the long-term objective of becoming a member of the International Telecommunications Union alongside the Member States***; to this end, the Commission, taking into account the opinion of the Radio Spectrum Policy Group (RSPG), may also propose common policy objectives to the European Parliament and the Council, as set out in Directive 2002/21/EC .

Amendment

(20) To evolve from current practice and building on the principles defined in the Council Conclusions of 3 February 1992 on procedures to be followed at the World Administrative Radio Conference of 1992, and where the World Radio communications Conferences (WRC) and other multilateral negotiations touch upon principles and policy issues with an important Union dimension, the Union should be able to establish new procedures to defend its interests in multilateral negotiations; to this end, the Commission, taking into account the opinion of the Radio Spectrum Policy Group (RSPG), may also propose common policy objectives to the European Parliament and the Council, as set out in Directive 2002/21/EC .

Or. en

Amendment 48
Jürgen Creutzmann

Proposal for a decision
Recital 24

Text proposed by the Commission

(24) The Commission should report to the European Parliament and the Council on the results achieved under this Decision, as well as on planned future actions.

Amendment

(24) The Commission should report to the European Parliament and the Council ***at regular intervals*** on the results achieved under this Decision, as well as on planned future actions.

Or. de

Amendment 49
Tiziano Motti, Lara Comi, Matteo Salvini

Proposal for a decision
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) None of the provisions of this Decision should prejudice 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 services¹.

¹ OJ L 337, 18.12.2009, p. 37.

Or. it

Amendment 50
Eija-Riitta Korhola

Proposal for a decision
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Nothing in this Decision is intended to detract from the protections afforded to economic operators by the 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*¹.

¹ *OJ L 337, 18.12.2009, p. 37.*

Or. en

Amendment 51
Christel Schaldemose

Proposal for a decision
Article 1 – title

Text proposed by the Commission

Amendment

Aim

Aim *and scope*

Or. en

Amendment 52
Christel Schaldemose

Proposal for a decision
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Decision establishes a radio spectrum policy programme for the strategic planning and harmonisation of the use of spectrum to ensure the functioning of the internal market.

1. This Decision establishes a radio spectrum policy programme for the strategic planning and harmonisation of the use of spectrum to ensure the functioning of the internal market.

Or. en

Amendment 53
Jürgen Creutzmann

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

Text proposed by the Commission

Amendment

1a. This Decision shall be without prejudice to 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.

¹*OJ L 337, 18.12.2009, p. 37.*

Or. de

Amendment 54
Christel Schaldemose

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

Text proposed by the Commission

Amendment

1a. This Decision is without prejudice to existing EU law and to measures taken at national level, in compliance with EU law, to pursue general interest objectives, and 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. en

Amendment 55
Catherine Stihler

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

Text proposed by the Commission

Amendment

1a. This Decision is without prejudice to existing EU law and to measures taken at national level, in compliance with EU law, to pursue general interest objectives, and 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. en

Amendment 56
Jürgen Creutzmann

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 meet the increasing demand for use of frequencies ***as effectively as possible and across the board***;

Or. de

Amendment 57
Catherine Stihler

Proposal for a decision
Article 2 – 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, ***while at the same time respecting the important social, cultural and economic value of spectrum***;

Or. en

Amendment 58

Hans-Peter Mayer

Proposal for a decision

Article 2 – 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; ***this shall be based on observance of the principles of flexibility, effective use of frequencies in line with needs, ensuring a level playing field and non-discriminatory competition, and safeguarding national specificities in relation to business models***;

Or. de

Amendment 59

Hans-Peter Mayer

Proposal for a decision

Article 2 – 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 least onerous ***non-discriminatory*** authorisation system possible in such a way as to maximise flexibility and efficiency in spectrum usage;

Amendment 60
Jürgen Creutzmann

Proposal for a decision
Article 2 – 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 ***and efficient coordination of spectrum harmonisation and standardisation.***

Or. de

Amendment 61
Hans-Peter Mayer

Proposal for a decision
Article 3 – 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, ***particularly to support the objectives of prioritisation in broadband provision and guaranteeing competition, notably through implementation of the "GSM" Directive in the near future;***

Or. de

Amendment 62
Catherine Stihler

Proposal for a decision
Article 3 – 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, ***while taking into account important general interest objectives such as cultural diversity and media pluralism, as well as the interests of various radio spectrum users;***

Or. en

Amendment 63
Cornelis de Jong, Eva-Britt Svensson

Proposal for a decision
Article 3 – point d

Text proposed by the Commission

(d) maintain and develop effective competition, in particular in electronic communication services, by preventing ex ante, or remedying ex post, excessive accumulation of radio frequencies by certain economic operators which results in significant harm to competition;

Amendment

(d) maintain and develop effective competition, in particular in electronic communication services, by preventing ex ante, or remedying ex post, excessive accumulation of radio frequencies by certain economic operators which results in significant harm to competition ***and in a greater loss of cultural diversity;***

Or. en

Amendment 64
Christel Schaldemose

Proposal for a decision
Article 3 – point d

Text proposed by the Commission

(d) maintain and develop effective competition, in particular in electronic communication services, by preventing ex ante, or remedying ex post, excessive

Amendment

(d) maintain and develop effective competition, in particular in electronic communication services, by preventing ex ante, or remedying ex post, excessive

accumulation of radio frequencies by certain economic operators which results in significant harm to competition;

accumulation of radio frequencies by certain economic operators which results in significant harm to competition ***and in a greater loss of cultural diversity***;

Or. en

Amendment 65
Lena Kolarska-Bobińska

Proposal for a decision
Article 3 – point d

Text proposed by the Commission

(d) maintain and develop effective competition, in particular in electronic communication services, by preventing ex ante, or remedying ex post, excessive accumulation of radio frequencies by certain economic operators which results in significant harm to competition;

Amendment

(d) maintain and develop effective competition, in particular in electronic communication services, by preventing ex ante, or remedying ex post, excessive accumulation of radio frequencies by certain economic operators which results in significant harm to competition ***by means of withdrawal of frequency rights or other measures***;

Or. en

Amendment 66
Lena Kolarska-Bobińska

Proposal for a decision
Article 3 – point g a (new)

Text proposed by the Commission

Amendment

(ga) in defining those areas of the spectrum which should be made open for use without licensed rights and/or reserved to scientific research;

Or. en

Amendment 67
Jürgen Creutzmann

Proposal for a decision
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt by 1 January 2013 authorisation and allocation measures appropriate for the development of broadband services, in conformity with Directive 2002/20/EC of the European Parliament and of the Council on the authorisation of electronic communications networks and services (Authorisation Directive), ***such as allowing relevant operators, where possible and on the basis of consultations in accordance with Article 11, direct or indirect access to contiguous blocks of spectrum of at least 10 MHz.***

Amendment

1. Member States shall adopt by 1 January 2013 authorisation and allocation measures appropriate for the development of broadband services, in conformity with Directive 2002/20/EC of the European Parliament and of the Council on the authorisation of electronic communications networks and services (Authorisation Directive).

Or. de

Amendment 68
Jürgen Creutzmann

Proposal for a decision
Article 4 – paragraph 3

Text proposed by the Commission

3. Member States and the Commission shall cooperate to develop and harmonise standards for radio equipment and telecommunications terminals as well as for electric and electronic equipment and networks based where necessary upon standardisation mandates from the Commission to the relevant standardisation bodies.

Amendment

3. Member States and the Commission shall cooperate to develop and harmonise standards for radio equipment and telecommunications terminals as well as for electric and electronic equipment and networks based where necessary upon standardisation mandates from the Commission to the relevant standardisation bodies. ***Efficient coordination of spectrum harmonisation and standardisation will be particularly important in this regard so that consumers can use appliances that depend on radio spectrum without***

restriction and throughout the internal market.

Or. de

Amendment 69
Christel Schaldemose

Proposal for a decision
Article 4 – paragraph 3

Text proposed by the Commission

3. Member States and the Commission shall cooperate to develop and harmonise standards for radio equipment and telecommunications terminals as well as for electric and electronic equipment and networks based where necessary upon standardisation mandates from the Commission to the relevant standardisation bodies

Amendment

3. Member States and the Commission shall cooperate to develop and harmonise standards for radio equipment and telecommunications terminals as well as for electric and electronic equipment and networks based where necessary upon standardisation mandates from the Commission to the relevant standardisation bodies. *Special attention shall also be given to standards for equipment to be used by disabled people, without, however, depriving them of the right to use non-standardised equipment if that is their preference.*

Or. en

Amendment 70
Lena Kolarska-Bobińska

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 *as a public good.*

Or. en

Amendment 71
Lena Kolarska-Bobińska

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

Text proposed by the Commission

Amendment

6a. In order to limit excessive electromagnetic field emissions and increase efficiency in transmission networks, the Member States shall foster greater cooperation between spectrum rights license holders towards the sharing of transmission infrastructures, with a special focus on densely populated areas.

Or. en

Justification

Today, on any given building with mobile masts, there are three or four masts of different operators emitting radio waves. There is no need for this if a single public or shared infrastructure mast could be put in place that could send clear signals and allow access to all operators delivering services. This would cut waste, increase efficiency and lower the emission levels exposed to those living or working in a building. This should be encouraged by Member States

Amendment 72
Hans-Peter Mayer

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

Text proposed by the Commission

Amendment

6a. The measures provided for in paragraph 1 shall be taken in addition to the opening of the 900 MHz band in the near future, in line with the amended "GSM" Directive and in such a manner as to promote competition. Such measures must be taken in a non-discriminatory

manner and may not distort competition to the advantage of operators already dominant in the market.

Or. de

Amendment 73
Lena Kolarska-Bobińska

Proposal for a decision
Article 5 – paragraph 2 – point a

Text proposed by the Commission

(a) Member States may limit the amount of spectrum for which rights of use are granted to any *economic* operator or may attach conditions to such rights of use, such as the provision of wholesale access, in certain bands or in certain groups of bands with similar characteristics, for instance the bands below 1 GHz allocated to electronic communication services;

Amendment

(a) Member States may limit the amount of spectrum for which rights of use are granted to any operator or may attach conditions to such rights of use, such as the provision of wholesale access, in certain bands or in certain groups of bands with similar characteristics, for instance the bands below 1 GHz allocated to electronic communication services;

Or. en

Justification

Not all operators are economic, i.e. military, academic.

Amendment 74
Lena Kolarska-Bobińska

Proposal for a decision
Article 5 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Member States may take steps to achieve a more even spectrum allocation between economic operators by reserving spectrum for new entrants to a frequency band or group of bands with similar

*characteristics or by reserving spectrum
for unlicensed usage in those bands;*

Or. en

Amendment 75
Hans-Peter Mayer

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 ***and discrimination*** and promote effective competition.

Or. de

Amendment 76
Cornelis de Jong, Eva-Britt Svensson

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 and promote effective competition. ***In order to combat unfair spectrum accumulation by dominant market players and to promote greater consumer choice, Member States shall also ensure that spectrum is attributed in a fair and balanced way as to allow service providers to offer to consumers a wide array of culturally diverse television, radio and digital broadcasting.***

Or. en

Amendment 77
Christel Schaldemose

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 and promote effective competition. ***In order to combat unfair spectrum accumulation by dominant market players and to promote greater consumer choice, Member States shall also ensure that spectrum is attributed in a fair and balanced way as to allow service providers to offer to consumers a wide array of culturally diverse television, radio and digital broadcasting.***

Or. en

Amendment 78
Tiziano Motti, Lara Comi, Matteo Salvini

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 shall do so in accordance with the conditions resulting from implementation of Article 6 of Directive 2002/20/EC (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*¹.

¹ *OJ L 337, 18.12.2009, p. 37.*

Or. it

Amendment 79
Jürgen Creutzmann

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 shall 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 services¹;

¹*OJ L 337, 18.12.09, p. 37.*

Or. de

Amendment 80
Eija-Riitta Korhola

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

Text proposed by the Commission

Amendment

3a. Where Member States wish to adopt any such measures as are contemplated by paragraph 2, they shall do so by the imposition of conditions pursuant to Article 6 of the Authorisation Directive, in conformity with the procedures for the imposition or variation of such conditions laid down in the 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 services¹.

¹ OJ L 337, 18.12.2009, p. 37.

Or. en

Justification

The aim of the amendment is to align the text with the telecoms regulatory framework. In particular, it is not clear whether this Decision (art 5.2) is proposing new powers for NRAs or whether the remedies and safeguards are those which derive from existing legislation. In particular, NRAs should not be able to circumvent the market review process (including Article 7, Framework Directive) and impose access obligations where they previously could not.

Amendment 81
Jürgen Creutzmann

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 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 **across the entire range** and assess whether additional spectrum could be freed and made available for new applications.

Or. de

Amendment 82
Cristian Silviu Buşoi

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

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 **in Decision 2010/267/EU**, 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

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.

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 and assess whether additional spectrum could be freed and made available for new applications.

Or. en

Justification

The reference to the 1 GHz band is not justified as it is too specific for this legal instrument and therefore not future proof, especially when we talk about new technologies. New evidence is being brought forward about technical solutions for the delivery of other new applications in higher places of the UHF band. By limiting the scope to one specific band, we are limiting the possibility for new technologies and applications to develop for the benefit of consumers.

Amendment 83 **Christel Schaldemose**

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

Or. en

Amendment 84
Catherine Stihler

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.

Or. en

Amendment 85
Constance Le Grip

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

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.

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, **in particular in the range from 300 MHz to 3GHz, as provided for in Article 8 of this Decision**, and assess whether additional spectrum could be freed and made available for new applications.

Or. fr

Amendment 86
Robert Rochefort

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 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 **UHF band (i.e. spectrum between 300 MHz and 3 GHz)** and assess whether additional spectrum could be freed and made available for new applications.

Amendment 87
Bernadette Vergnaud

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 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 *UHF band as a whole* and assess whether additional spectrum could be freed and made available for new applications.

Amendment 88
Jürgen Creutzmann

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

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, *if necessary* 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.

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 **and terrestrial broadcasting services.**

In particular, the Member States, in cooperation with the Commission, shall investigate possible technical solutions for the parallel use of spectrum bands by users of terrestrial broadcasting and mobile telephony services, so as to take account of the differing needs of urban population centres and sparsely populated areas.

Or. de

Amendment 89
Christel Schaldemose

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 ***nor lead to disruption of the existing broadcasting services.***

Or. en

Amendment 90
Catherine Stihler

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 ***nor lead to disruption of the existing broadcasting services.***

Or. en

Amendment 91
Jürgen Creutzmann

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, should take the necessary technical and regulatory measures to prevent harmful interference between mobile services and broadcasting and PMSE users. The Member States should make sufficient funds available in good time to cover the migration costs associated with the freeing of the 800 MHz band and the measures to protect against interference.

Or. de

Amendment 92
Catherine Stihler

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 implement necessary technical and regulatory measures in order to avoid harmful interference from electronic communications services in the 800 MHz band to broadcasting and PMSE services below 790 MHz.

Or. en

Amendment 93
Catherine Stihler

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

Text proposed by the Commission

Amendment

4b. The Commission shall encourage Member States to ensure the timely availability of sufficient funds to cover the migration costs and the costs associated with the measures to limit interferences to broadcasting services.

Or. en

Amendment 94
Lena Kolarska-Bobińska

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. ***In order to ensure that all citizens have access to advanced digital services including broadband, in particular in remote and sparsely populated areas, Member States and*** the Commission shall ensure the availability of **sufficient** spectrum for the provision of **broadband** satellite services enabling Internet access at a comparable price to terrestrial offerings.

Or. en

Amendment 95

Tiziano Motti, Lara Comi, Matteo Salvini

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.

Or. en

Justification

We believe that it is outside the scope of this Decision for the Commission to ensure the availability of harmonised satellite services for broadband access “offering enabling Internet access at a comparable price to terrestrial offerings” and that the S-Band spectrum licensed at a European level in 2009 fulfils the requirements for harmonised satellite services for broadband access.

Amendment 96
Frank Engel

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

Text proposed by the Commission

Amendment

-1. In order to support the further development of innovative audiovisual media and other services to European citizens, taking into account the economic and social benefits of a digital single market, Member States, in cooperation with the Commission, shall ensure sufficient spectrum availability for satellite and terrestrial provision of such services.

Or. en

Justification

Not only terrestrial broadcasting needs sufficient spectrum to fulfil general interest objectives, but satellites also need sufficient spectrum to continue pioneer and deploy innovative technologies that promote advanced digital services, including new audiovisual services of high quality, such as HDTV or 3DTV. It is important to take a comprehensive approach to spectrum use, promoting all technologies to bring economic and social benefits to citizens and businesses, and thereby contribute to a fully functioning digital single market.

Amendment 97
Christel Schaldemose

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

Text proposed by the Commission

Amendment

1a. In cooperation with the Commission, Member States shall ensure sufficient means of delivery for terrestrial broadcasting services, without prejudice to the principle of service neutrality.

Justification

In many parts of Europe, more people are watching TV via cable, optical fibre, satellite or broadband than via UHF transmissions. The migration away from UHF viewing began in the 1980s and is likely to continue for years. "Sufficient means of delivery" means that broadcasters can count on having enough bandwidth to reach their audiences although that bandwidth might not be wireless. Regulators might then find more productive uses for the UHF channels traditionally assigned to TV broadcasters.

Amendment 98
Eija-Riitta Korhola

Proposal for a decision
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall, in cooperation with the Commission, seek to find a minimum set of harmonised core bands for PMSEs in the Union, according to the Union's objectives to improve the integration of the internal market and access to culture. These harmonised bands should be on 1GHz or higher frequencies.

Justification

Touring artists and groups are currently facing problems as wireless microphones have been given different frequencies not only in different Member States but also between different towns and regions. PMSEs do not need large covering areas and therefore frequencies above 1GHz would be ideal.

Amendment 99
Lena Kolarska-Bobińska

Proposal for a decision
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States and the Commission shall ensure spectrum availability for RFID and other Internet of Things (IOT) wireless communication technologies and shall work towards standardisation of spectrum allocation for IOT communication across Member States.

Or. en

Amendment 100
Jürgen Creutzmann

Proposal for a decision
Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission, assisted by the Member States, which shall provide all appropriate information on spectrum use, shall create an inventory of existing spectrum use and of possible future needs for spectrum in the Union, ***in particular in the range from 300 MHz to 3 GHz.***

1. The Commission, assisted by the Member States, which shall provide all appropriate information on spectrum use, shall create an inventory of existing spectrum use and identify future demand for spectrum in the Union ***across the entire range.***

Or. de

Amendment 101
Tiziano Motti, Lara Comi, Matteo Salvini

Proposal for a decision
Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission, assisted by the

1. The Commission, assisted by the

Member States, which shall provide all appropriate information on spectrum use, shall create an inventory of existing spectrum use and of possible future needs for spectrum in the Union, in particular in the range from 300 MHz to **3 GHz**.

Member States, which shall provide all appropriate information on spectrum use, shall create an inventory of existing spectrum use and of possible future needs for spectrum in the Union, in particular in the range from 300 MHz to **5 GHz**.

Or. en

Justification

We believe there is a need to review spectrum allocations between at least 400MHz and 5GHz to ensure that there will be sufficient spectrum allocated to mobile broadband through to at least 2020. We note that the focus of the Commission's proposals is on the range 300MHz to 3GHz, and we are concerned that this is not sufficiently broad to address future requirements. In particular, we note that the Commission itself acknowledges the importance of the 3.5GHz bands in the provision of broadband for all.

Amendment 102 **Jürgen Creutzmann**

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, ***on the basis of clearly defined and transparent criteria and methods***, 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.

Or. de

Amendment 103
Catherine Stihler

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, ***based on clearly defined and transparent assessment criteria and methodologies***. It shall take into account future needs for spectrum based on consumers ‘and operators’ demands, and of the possibility to meet such needs.

Or. en

Amendment 104
Lena Kolarska-Bobińska

Proposal for a decision
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where possible, the Commission shall also include in the inventory referred to in paragraph 1, information on spectrum use by third partner states neighbouring a Member State that could have a direct or indirect effect on spectrum use within the Union.

Or. en

Amendment 105
Christel Schaldemose

Proposal for a decision
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

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.

deleted

Or. en