

# EUROPEAN PARLIAMENT

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*Committee on Culture and Education*

**2007/0249(COD)**

5.6.2008

## **OPINION**

of the Committee on Culture and Education

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council  
establishing the European Electronic Communications Market Authority  
(COM(2007)0699 – C6-0428/2007 – 2007/0249(COD))

Draftsman: Gyula Hegyi

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## SHORT JUSTIFICATION

Telecommunications change day by day in our societies. Old forms of communications fade out and new forms create new life style and social behaviour. It is a technological, economic as well as social and cultural process. Your Draftsman wants to stress two political aspects. Firstly, access to telecommunications should be general and democratic, everyone should have the right to access such services. Secondly, new contents emerge in modern telecommunications, and we cannot return to the “Gutenberg-galaxis”. But traditional cultural and educational heritage of the mankind should be kept and transmitted by new forms of electronic communications. Our committee does its best to balance modern technology and traditional cultural values and calls for the whole Assembly to do so.

The Commission proposes to establish a new Authority (Electronic Communications Market Authority, EECMA) to work in close cooperation with national regulatory authorities (NRAs) to surmount existing obstacles on the internal market of electronic communications. This new body is to take over the functions of European Regulatory Group (ERG) set up by the Commission in 2004. It would carry out different advisory and monitoring tasks, including network and information security issues. As a result of discussions in the European Parliament, a Body of European Regulators in Telecom (BERT) has been proposed to replace EECMA. BERT is to have similar functions to EECMA but excluding network and information security issues.

However the draftsman only focuses on the aspects for which the Committee on Culture and Education is responsible. Your draftsman wants to avoid going beyond the competence of our committee. That is why this opinion does not involve itself in the EECMA-BERT debate.

## AMENDMENTS

The Committee on Culture and Education calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation

#### Recital 16

*Text proposed by the Commission*

(16) The Authority should build on national and Community efforts and therefore perform its tasks in full cooperation with the national regulatory authorities and the Commission, and be open to contacts with industry, consumer groups and other relevant stakeholders.

*Amendment*

(16) The Authority should build on national and Community efforts and therefore perform its tasks in full cooperation with the national regulatory authorities and the Commission, and be open to contacts with industry, consumer groups, ***cultural interest groups*** and other

relevant stakeholders.

### *Justification*

*Being open should include contacts with different cultural interest groups as they can provide up to date information on cultural diversity issues amongst others in connection with the authorisation procedure of pan-European services.*

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 21**

##### *Text proposed by the Commission*

(21) In the context of pursuing the aims of 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), the Commission may seek the independent expert advice of the Authority relating to the use of the radio frequencies in the Community. This advice could involve specific technical investigations, as well as economic or social impact assessment and analysis relating to frequencies policy measures. It could also include matters relating to the implementation of Article 4 of Decision No 676/2002/EC, where the Authority may be asked to provide advice to the Commission on the results obtained under Commission mandates to the European Conference of Postal and Telecommunications Administrations (CEPT).

##### *Amendment*

(21) In the context of pursuing the aims of 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), the Commission may seek the independent expert advice of the Authority relating to the use of the radio frequencies in the Community. This advice could involve specific technical investigations, as well as economic, social impact assessment ***with special regard to the impact on culture and education*** and analysis relating to frequencies policy measures. It could also include matters relating to the implementation of Article 4 of Decision No 676/2002/EC, where the Authority may be asked to provide advice to the Commission on the results obtained under Commission mandates to the European Conference of Postal and Telecommunications Administrations (CEPT).

### *Justification*

*Social impact assessment for frequency management should include special attention on impacts on culture and education as set out in the Communication from the Commission on impact assessment (COM (2002) 276).*

### Amendment 3

#### Proposal for a regulation Recital 27

##### *Text proposed by the Commission*

(27) The Authority should contribute to the development of best regulatory practice and consistency in the application of regulation in the electronic communications sector by fostering the exchange of information between national authorities and making appropriate information available to the public in an easily accessible manner. The Authority should have the possibility to address economic and technical matters and to access the most updated information available in order to be able to respond to the economic and technical challenges posed by the developing information society, for example in areas like network and information security and radio frequency identification devices.

##### *Amendment*

(27) The Authority should contribute to the development of best regulatory practice and consistency in the application of regulation in the electronic communications sector by fostering the exchange of information between national authorities and making appropriate information available to the public in an easily accessible **and clear** manner. The Authority should have the possibility to address economic and technical matters and to access the most updated information available in order to be able to respond to the economic and technical challenges posed by the developing information society, for example in areas like network and information security and radio frequency identification devices.

##### *Justification*

*Given the complexity of regulatory framework on electronic communications sector, the information made accessible to the public should be concise and clear that people without special background knowledge could understand. This may also serve as an educative means to improve awareness of the issue amongst European citizens.*

### Amendment 4

#### Proposal for a regulation Recital 49 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(49a) When steps are to be taken with a view to setting up a European telecommunications market authority, the Commission should ensure compliance with the subsidiarity principle.***

### *Justification*

*National regulatory authorities are closer to the problems and hence in a better position to determine which solution should be applied in each instance. Furthermore, economic solutions are generally based on economic models that are both imperfect and subject to change. That is why those who are closer to the market, in other words the national bodies, should be called upon to implement the chosen solutions.*

### **Amendment 5**

#### **Proposal for a regulation Article 10 – paragraph 1**

##### *Text proposed by the Commission*

1. Upon request, the Authority shall provide advice to the Commission and conduct studies and reviews, in particular on technical and economic aspects, regarding the use of radio frequencies for electronic communications in the Community.

##### *Amendment*

1. Upon request, the Authority shall provide advice to the Commission and conduct studies and reviews, in particular on technical, economic aspects ***and on the impact on cultural diversity and education*** regarding the use of radio frequencies for electronic communications in the Community.

### *Justification*

*Social impact assessment for frequency management should include special attention on impacts on culture and education as set out in the Communication from the Commission on impact assessment (COM(2002)0276).*

## PROCEDURE

<b>Title</b>	European Electronic Communications Market Authority
<b>References</b>	COM(2007)0699 – C6-0428/2007 – 2007/0249(COD)
<b>Committee responsible</b>	ITRE
<b>Opinion by</b> Date announced in plenary	CULT 10.12.2007
<b>Draftsman</b> Date appointed	Gyula Hegyi 17.1.2008
<b>Discussed in committee</b>	6.5.2008
<b>Date adopted</b>	2.6.2008
<b>Result of final vote</b>	+: 17 -: 1 0: 0
<b>Members present for the final vote</b>	Katerina Batzeli, Ivo Belet, Věra Flasarová, Milan Gaľa, Claire Gibault, Lissy Gröner, Mikel Irujo Amezaga, Manolis Mavrommatis, Ljudmila Novak, Doris Pack, Christa Prets, Karin Resetarits, Pál Schmitt, Helga Trüpel, Thomas Wise
<b>Substitutes present for the final vote</b>	Victor Boștinaru, Elisabeth Morin, Ewa Tomaszewska