



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Culture and Education

2010/0252(COD)

7.12.2010

DRAFT OPINION

of the Committee on Culture and Education

for the Committee on Industry, Research and Energy

on the proposal for a decision of the European Parliament and of the Council
establishing the first radio spectrum policy programme
(COM(2010)0471 – C7-0270/2010 – 2010/0252(COD))

Rapporteur: Petra Kammerevert

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SHORT JUSTIFICATION

1. By means of this proposal for a decision the Commission is putting forward a first Europe-wide programme dealing with the strategic planning and harmonisation of spectrum use in the EU, the Radio Spectrum Policy Programme (RSPP).
2. The main aim of the programme is to increase the number of frequencies available for wireless broadband communication, with a view to meeting the objective laid down in the Digital Agenda that by 2020 all EU citizens should have access to broadband services at a speed of at least 30 Mbps.
3. Spectrum is a public good and an extremely scarce resource. It is vital to the achievement of a wide range of societal, cultural, social and economic objectives. The 2009 telecoms review specified that the Commission must take equal and appropriate account of all these aspects in the context of spectrum management. The requirements set out in the telecoms package thus form the basis for the RSPP. For that reason, it is vital that the RSPP should be entirely consistent with that legal framework and with the principles laid down therein.
4. In particular, it is essential that:
 - (a) the RSPP should allow digital terrestrial radio and hybrid TV appropriate scope to develop. Expanding the availability of free-to-air programmes using either the dvb-t or the dvb-t2 standard is now central to the task of safeguarding media pluralism in Europe. What is more, terrestrial radio is the only non-proprietary broadcasting system which is available to all users on the same, equal basis. Problem-free coexistence between mobile telephony and broadcasting must be guaranteed, in particular in places where receivers using different standards may be located in close proximity to one another. At present, terrestrial radio is the only economically feasible transmission method for portable and mobile, and therefore viable, digital radio and digital television;
 - (b) available radio frequencies should be used efficiently. With that aim in view, spectrum use must be regularly reviewed, something which, under the telecoms package, is the responsibility of the Member States. The EU should merely provide coordination;
 - (c) disruption and interference as a result of the reallocation of frequencies should be prevented as far as possible;
 - (d) mandatory compensation should be provided for investments in parts of the spectrum used before (e.g. for dvb-t) or investments necessitated by the reallocation of frequencies (e.g. in the area of news radio).
5. Radio frequencies serve the public interest in a wide range of areas in the Member States. In that connection, due account has to be taken of a host of specific national and regional characteristics. It is doubtful whether the EU can reconcile these matters of public interest and these characteristics as well and as efficiently as its Member States. For that reason (and in the light of the allocation of competences laid down in Article 9(1) of the

Framework Directive), your rapporteur opposes the establishment of an overarching spectrum planning and management system at European level. She is also deeply sceptical of any proposal to grant the Commission the competence to conduct international negotiations. Conversely, she feels it would be desirable for the EU to play a coordinating role in support of the Member States.

6. There is a continuing need to avoid over-hasty decisions on the allocation of frequencies and suitable measures should be taken to ensure that, on the basis of reliable scientific findings, the newly allocated frequencies employ transmission standards which guarantee the highest quality of service and the lowest distribution costs. For example, the LTE standard has already been shown to be no more efficient than the dvb-t2 standard.

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 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.

Amendment

(1) Article 8a(3) of the Directive 2002/21/EC **as amended by Directive 2009/140/EC** of the European Parliament and of the Council of **25 November 2009** 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

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.

and functioning of the internal market.

Or. de

Amendment 2

Proposal for a decision Recital 2

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 3

Proposal for a decision Recital 5

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 4

Proposal for a decision Recital 6

Text proposed by the Commission

(6) The programme should also take into account Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) and the technical expertise of the European Conference of Postal and Telecommunications Administrations (CEPT) **so that** Union policies **which rely on spectrum and were** agreed by Parliament and Council **can be implemented by technical implementing**

Amendment

(6) The programme should also take into account Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) and the technical expertise of the European Conference of Postal and Telecommunications Administrations (CEPT) **if technical measures to implement** Union policies agreed by Parliament and Council **are to be taken on the basis of the guidelines for and**

measures, noting that such measures can be taken whenever necessary to implement already existing Union policies.

objectives of Union spectrum policy laid down pursuant to Article 8a(3) of the Framework Directive.

Or. de

Amendment 5

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

Or. de

Amendment 6

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

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).

choice and access in rural and other areas where deployment of wired broadband is difficult or economically unviable. 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 *as amended by Directive 2009/140/EC of 25 November 2009* (the "Authorisation" Directive) and Article 1(2) of Directive 87/372/EEC *as amended by Directive 2009/114/EC of 16 September 2009* (the "GSM" Directive).

Or. de

Amendment 7

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

Amendment

(13) The 800 MHz band is optimal for the coverage of large areas by, *for example,*

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.

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

Or. de

Amendment 8

Proposal for a decision Recital 19

Text proposed by the Commission

(19) Spectrum regulation has strong cross-border or international dimensions, due to propagation characteristics, the international nature of markets dependent on radio-based services, and the need to avoid harmful interference between countries. Moreover, the references to international agreements in Directives 2002/21/EC and 2002/20/EC as amended means that Member States shall not enter into international obligations that prevent or constrain the fulfilment of their Union obligations. Member States should, in accordance with the case-law, ***undertake all necessary efforts to enable*** appropriate representation of the ***Union in matters under its competence*** in international bodies in charge of spectrum coordination.

Amendment

(19) Spectrum regulation has strong cross-border or international dimensions, due to propagation characteristics, the international nature of markets dependent on radio-based services, and the need to avoid harmful interference between countries. Moreover, the references to international agreements in Directives 2002/21/EC and 2002/20/EC as amended means that Member States shall not enter into international obligations that prevent or constrain the fulfilment of their Union obligations. Member States should, in accordance with the case-law ***and in cooperation with the Commission, examine what arrangements are needed to ensure*** appropriate representation of the ***Union's common interests*** in international

Moreover, where Union policy or competence is at stake, the Union should politically drive the preparation of negotiations and play a role in multilateral negotiations, including in the International Telecommunications Union that corresponds to its level of responsibility for spectrum matters under Union law.

bodies in charge of spectrum coordination *and put the findings into practice without delay.*

Or. de

Amendment 9

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) Acting by agreement with Parliament and the Council, the Commission should submit a proposal outlining how, at World Radio communications Conferences (WRC) and in other multilateral negotiations which touch upon principles and policy issues with an important Union dimension, the common interests of the European Union can be properly represented by its institutions; at the same time, by agreement with the Council Union membership of the International Telecommunications Union alongside the Member States should be considered and, if appropriate, brought to fruition.

Or. de

Amendment 10

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 *will* report to the European Parliament and the Council on the results achieved under this Decision, as well as on planned future actions.

Or. de

Amendment 11

Proposal for a decision Article 1 - Title

Text proposed by the Commission

Aim

Amendment

Aim *and scope*

Or. de

Amendment 12

Proposal for a decision Article 1

Text proposed by the Commission

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.

Amendment

This Decision establishes, *in accordance with Directives 2002/21/EC, 2002/20/EC and 2002/19/EC as amended by Directive 2009/140/EC, Directive 2002/22/EC as amended by Directive 2009/136/EC, and Decision No 67/2002/EC*, 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. de

Amendment 13

Proposal for a decision Article 1 - subparagraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This decision shall be without prejudice to existing EU law and to measures taken at national level, in compliance with EU law, to pursue general interest objectives, in particular relating to content regulation and audiovisual policy, and to the right of Member States to organise and use their spectrum for public order and public security purposes and defence.

Or. de

Amendment 14

Proposal for a decision Article 2 - point a

Text proposed by the Commission

Amendment

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

(a) encouraging efficient use of spectrum to best meet the increasing demand for use of frequencies, ***at the same time taking account of the social, cultural and economic value of spectrum as a whole;***

Or. de

Amendment 15

Proposal for a decision Article 2 - point b

Text proposed by the Commission

Amendment

(b) applying technology and service

(b) applying technology and service

neutrality in the use of spectrum for electronic communications networks and services, in accordance with Article 9 of Directive 2002/21/EC (Framework Directive), and where possible for other sectors and applications, in such a way as to promote efficiency of spectrum use, in particular by fostering flexibility, and to promote innovation;

neutrality in the use of spectrum for electronic communications networks and services, in accordance with Article 9 of Directive 2002/21/EC *as amended by Directive 2009/140/EC of 25 November 2009* (Framework Directive), and where possible for other sectors and applications, in such a way as to promote efficiency of spectrum use, in particular by fostering flexibility, and to promote innovation;

Or. de

Amendment 16

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 *the objectives of Union spectrum policy whilst taking account of the scope for the development of radio broadcasting*;

Or. de

Amendment 17

Proposal for a decision Article 3 – point b

Text proposed by the Commission

(b) maximise flexibility in the use of spectrum, to promote innovation and investment, through the application of the principles of technology and service neutrality, the opening of spectrum to new services, and the possibility to trade spectrum rights;

Amendment

(b) maximise flexibility in the use of spectrum, to promote innovation and investment, through the application of the principles of technology and service neutrality, the opening of spectrum to new services, and the possibility to trade spectrum rights; *In that connection, Member States may take measures which depart from this principle if the measures in question serve the objectives referred to*

in Article 9(4), letters a to d, of the Framework Directive;

Or. de

Amendment 18

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)¹, 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.

¹ OJ L 108, 24.4.2002, p. 21.

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 *as amended by Directive 2009/140/EC* of the European Parliament and of the Council *of 25 November 2009* 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.

¹ OJ L 337, 18.12.2009, p. 37.

Or. de

Amendment 19

Proposal for a decision Article 5 - point d

Text proposed by the Commission

(d) Member States may amend the existing rights in accordance with Article 14 of Directive 2002/20/EC when this is necessary to remedy ex-post excessive accumulation of spectrum frequencies within certain economic operators which

Amendment

(d) Member States may amend the existing rights in accordance with Article 14 of *the Authorisation* Directive when this is necessary to remedy ex-post excessive accumulation of spectrum frequencies within certain economic operators which

significantly harms competition.

significantly harms competition.

Or. de

Amendment 20

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.

Or. de

Amendment 21

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, 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.

shall ensure that the freeing of the 800 MHz band does not adversely affect programme making and special events (PMSE) users *and existing and future radio transmissions and that appropriate measures are taken to compensate existing users for current and future migration costs.*

Or. de

Amendment 22

Proposal for a decision Article 6 - paragraph 5

Text proposed by the Commission

5. The Commission is invited to adopt, as a priority, appropriate measures, pursuant to Article 9b(3) of the Directive **2002/21/EC**, to ensure that Member States allow trading within the Union of spectrum usage rights in the harmonised bands 790–862 MHz (the "800 MHz band"), 880–915 MHz, 925–960 MHz, 1710–1785 MHz, 1805–1880 MHz, 1900–1980 MHz, 2010–2025 MHz, 2110–2170 MHz, 2.5–2.69 GHz, and 3.4–3.8 GHz.

Amendment

5. The Commission is invited to adopt, as a priority, appropriate measures, pursuant to Article 9b(3) of the **Framework** Directive, to ensure that Member States allow trading within the Union of spectrum usage rights in the harmonised bands 790–862 MHz (the "800 MHz band"), 880–915 MHz, 925–960 MHz, 1710–1785 MHz, 1805–1880 MHz, 1900–1980 MHz, 2010–2025 MHz, 2110–2170 MHz, 2.5–2.69 GHz, and 3.4–3.8 GHz.

Or. de

Amendment 23

Proposal for a decision Article 7 – paragraph 3

Text proposed by the Commission

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

Amendment

3. ***In cooperation with*** the Commission, ***the Member States*** shall ensure that sufficient spectrum is made available under harmonised conditions to support the development of safety services and the free circulation of related devices as well as the

interoperable solutions for public safety and protection, civil protection and disaster relief.

development of innovative interoperable solutions for public safety and protection, civil protection and disaster relief. ***The spectrum used for radio broadcasting shall not be affected.***

Or. de

Amendment 24

Proposal for a decision Article 8 – title

Text proposed by the Commission

Inventory ***and monitoring*** of existing uses of and emerging needs for spectrum

Amendment

Inventory of existing uses of and emerging needs for spectrum

Or. de

Amendment 25

Proposal for a decision Article 8 – paragraph 1

Text proposed by the Commission

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.***

Amendment

1. ***In keeping with their national systems of competences, the Member States shall create an inventory of existing spectrum use and of possible future needs for spectrum on their respective territories, in particular in the range from 300 MHz to 3 GHz. At the same time, the Member States shall assess the technical efficiency of the frequencies used for new services.***

Or. de

Amendment 26

Proposal for a decision Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

deleted

Or. de

Amendment 27

Proposal for a decision Article 9 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. de