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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a European Parliament and Council regulation on the implementation of the .eu Top Level Domain (12171/1/01 – C5-0548/2001 – 2000/0328(COD))

Committee on Industry, External Trade, Research and Energy

Rapporteur: Colette Flesch

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

At the sitting of 4 July 2001 Parliament adopted its position at first reading on the proposal for a European Parliament and Council regulation on the implementation of the .eu Top Level Domain (COM(2000) 827 - 2000/0328 (COD)).

At the sitting of 15 November 2001 the President of Parliament announced that the common position had been received and referred to the Committee on Industry, External Trade, Research and Energy (12171/1/01 - C5-0548/2001).

The committee had appointed Colette Flesch rapporteur at its meeting of 24 January 2001.

It considered the common position and draft recommendation for second reading at its meetings of 4 December 2001, 8 January and 24 January 2002.

At the last meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Carlos Westendorp y Cabeza, chairman; Peter Michael Mombaur, Yves Piétrasanta and Jaime Valdivielso de Cué, vice-chairmen; Colette Flesch, rapporteur; Konstantinos Alyssandrakis, Sir Robert Atkins, Freddy Blak (for Roseline Vachetta), Gérard Caudron, Giles Bryan Chichester, Nicholas Clegg, Concepció Ferrer, Christos Folias (for Guido Bodrato), Cristina García-Orcoyen Tormo (for Umberto Scapagnini), Norbert Glante, Alfred Gomolka (for W.G. van Velzen), Michel Hansenne, Hans Karlsson, Bashir Khanbhai, Werner Langen, Rolf Linkohr, Caroline Lucas, Eryl Margaret McNally, Erika Mann, Hans-Peter Martin (for Massimo Carraro), Angelika Niebler, Giuseppe Nisticò (for Paolo Pastorelli), Reino Paasilinna, Elly Plooi-j-van Gorsel, Samuli Pohjamo (for Willy C.E.H. De Clercq), John Purvis, Godelieve Quisthoudt-Rowohl, Christa Randzio-Plath (for Harlem Désir), Bernhard Rapkay (for Elena Valenciano Martínez-Orozco), Mechtild Rothe, Christian Foldberg Røvsing, Paul Rübig, Jacques Santer (for Marjo Matikainen-Kallström), Konrad K. Schwaiger, Esko Olavi Seppänen, Gary Titley, Claude Turmes, Alejo Vidal-Quadras Roca, Dominique Vlasto, Myrsini Zorba and Olga Zrihen Zaari.

The recommendation for second reading was tabled on 25 January 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council regulation on the implementation of the .eu Top Level Domain (12171/1/01 – C5-0548/2001 – 2000/0328(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (12171/1/01 – C5-0548/2001),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2000) 827²),
 - having regard to the Commission's amended proposal (COM(2001)535³),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Industry, External Trade, Research and Energy (A5-0027/2002),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C not yet published.

² OJ C 96, 27.3.2001, p.333.

³ OJ C not yet published.

Amendment 1
Recital 19 a (new)

..

(19a) Provided there is nothing to prevent it in the regulation, the general interest policy rules on the implementation and functions of TLD.eu, or the general interest policy principles regarding registration, registration policy could be based on the method 'first come, first served'.

Justification

This method is the basis for most registration policies and is the general rule in many of the Member States.

Amendment 2
Article 4, paragraph 2, point d

(d)implement ***the*** extra-judicial settlement of conflicts policy and a procedure to resolve promptly disputes between domain name holders regarding rights relating to names including intellectual property rights as well as disputes in relation to individual decisions by the Registry. This policy shall be adopted in accordance with Article 5(1) and take into consideration the recommendations of the World Intellectual Property Organisation. The policy shall provide adequate procedural guaranties for the parties concerned, and shall apply without prejudice to any court proceeding;

(d)implement ***an*** extra-judicial settlement of conflicts policy ***based on recovery of costs*** and a procedure to resolve promptly disputes between domain name holders regarding rights relating to names including intellectual property rights as well as disputes in relation to individual decisions by the Registry. This policy shall be adopted in accordance with Article 5(1) and take into consideration the recommendations of the World Intellectual Property Organisation. The policy shall provide adequate procedural guaranties for the parties concerned, and shall apply without prejudice to any court proceeding;

Justification

This principle is in line with a similar principle applicable to fees, provided for in Article 4(2)(c).

Amendment 3
Article 4, paragraph 2, point f

(f) ensure the integrity of the database.

(f) ensure the integrity of the database ***of domain names.***

Justification

To clarify the scope of the provision.

Amendment 4
Article 6, paragraph 1

1. The Commission shall be assisted by ***a*** committee.

1. The Commission shall be assisted by ***the*** committee ***established by Article 19 (2) of Directive 2001/.../EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services. Until this directive comes into force, the Commission shall be assisted by the committee established by Article 9 of Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunication services through the implementation of open network provision.***

Justification

Information and communications technologies overlap to such an extent that the question of

managing the .eu Top Level Domain should be seen in connection with other aspects relating to electronic communications networks and services. Furthermore, a regulatory committee would be an unnecessarily cumbersome constraint, which would affect the Commission's ability to implement the .eu Top Level Domain effectively and efficiently in consultation with the registry.

Amendment 5
Article 6, paragraph 2, subparagraph 1

2. Where reference is made to this paragraph, **Articles 5 and 7** of Decision 1999/468/EC shall apply, having regard to the provisions of **Article 8** thereof.

2. Where reference is made to this paragraph, ***the consultation procedure provided for in Article 3*** of Decision 1999/468/EC shall apply, having regard to the provisions of **Articles 7 and 8** thereof.

Justification

Information and communications technologies overlap to such an extent that the question of managing the .eu Top Level Domain should be seen in connection with other aspects relating to electronic communications networks and services. Furthermore, a regulatory committee would be an unnecessarily cumbersome constraint, which would affect the Commission's ability to implement the .eu Top Level Domain effectively and efficiently in consultation with the registry.

Amendment 6
Article 8

Implementation ***report***

Implementation

1. No more than six months after this regulation enters into force, the Commission shall issue a public call for expressions of interest in establishing the Registry, as referred to in Article 3(1). The Commission and the Member States shall complete all regulatory procedures and approvals to enable the Registry to be fully operational 15 months after the entry into force of this Regulation, unless exceptional circumstances intervene.

The Commission shall submit a report to the European Parliament and the Council on the implementation, effectiveness and functioning of the .eu TLD one year after the adoption of this Regulation and thereafter every two years.

2. The Commission shall submit a report to the European Parliament and the Council on the implementation, effectiveness and functioning of the .eu TLD one year after the adoption of this regulation and thereafter every two years.

Justification

The .eu registry operates in a highly competitive market and it is essential it is launched without any delays.