



EUROPEAN PARLIAMENT

2009 - 2014

*Committee on Culture and Education*

**2010/0252(COD)**

15.3.2011

## **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

PA\_Legam

## 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. PMSE).
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 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) ***as amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009<sup>1</sup>*** provides that the Commission may submit a legislative proposal to the European Parliament and Council for establishing multiannual radio spectrum policy programmes setting out policy orientations and objectives for the strategic planning and harmonisation of the use of spectrum in accordance with the directives applicable to electronic communications networks and services. These policy orientations and objectives should refer to the availability and efficient

*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 audiovisual policy and to the right of Member States to organise and use their spectrum for public order and public security purposes and defence.*

use of spectrum necessary for the establishment and functioning of the internal market. *Furthermore, having realised that there is a real risk of interference in the general reception of audiovisual broadcasting, be it analogue or not, such policies and the market it refers to must ensure a strong consumer rights protection and proper public information on the forthcoming change.*

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

## 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, **wireless** microphones, and medical equipment. It supports public services such as security and safety services, including civil protection, **the facilitation of relations between the citizen and the State by means of electronic governance** 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 3

#### Proposal for a decision

##### Recital 3

*Text proposed by the Commission*

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

*Amendment*

(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, **culture** and energy.

### Amendment 4

#### Proposal for a decision

##### Recital 5

*Text proposed by the Commission*

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

*Amendment*

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

*required to cooperate with one another and with the Commission in connection with the strategic planning, coordination and harmonisation of spectrum use.*

## Amendment 5

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

#### *Amendment*

(6) The programme should also take into account Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) and the technical expertise of the European Conference of Postal and Telecommunications Administrations (CEPT). Union policies which rely on spectrum and were agreed by Parliament and Council can be implemented by technical implementing *provisions. These provisions must be based on the guidelines for and the objectives of EU spectrum policy laid down in Article 8a of the Framework Directive.*

## Amendment 6

### 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

#### *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

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 7**

### **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 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

facilitate the coordinated introduction by all Member States of these measures and facilitate acquisition of such rights anywhere in the Union.

#### *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).

avoid distortions of competition in line with the principles underpinning Article 5(6) of Directive 2002/20/EC (the "Authorisation" Directive) ***as amended by Directive 2009/140/EC of 25 November 2009*** and Article 1(2) of Directive 87/372/EEC (the "GSM" Directive) ***as amended by Directive 2009/114/EC of 16 September 2009***.

## Amendment 8

### Proposal for a decision Recital 10

#### *Text proposed by the Commission*

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

#### *Amendment*

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

#### *Justification*

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

## Amendment 9

### Proposal for a decision Recital 11

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 10**

**Proposal for a decision**

**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

**(11a) New Long-Term Evolution (LTE) broadband mobile communications networks are being rolled out in various Member States. Those networks use the 790-862 MHz frequency band. Some radio microphones currently operate in that band, possibly causing interference. This may also concern devices operated in schools, theatres and conference venues or by other commercial, public or private users. The requisite technical retrofitting**

*will be achievable only with considerable financial outlay, and it is imperative to clarify where responsibility lies in this connection.*

## Amendment 11

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

## Amendment 12

### Proposal for a decision

#### Recital 15

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

(15) Additional spectrum may be needed by other sectors such as transport (for safety, information and management systems), R&D, public protection and disaster relief, e-health **and** e-inclusion. Optimising synergies between spectrum policy and R&D activities and carrying out

##### *Amendment*

(15) Additional spectrum may be needed by other sectors such as transport (for safety, information and management systems), R&D, public protection and disaster relief, e-health, e-inclusion **and culture.** Optimising synergies between spectrum policy and R&D activities and

studies of radio compatibility between different spectrum users should help innovation. The Commission's Joint Research Centre should help in developing the technical aspects of spectrum regulation, notably by providing testing facilities to verify interference models relevant to Union legislation. Moreover, results of research under the Seventh Framework Programme require the examination of the spectrum needs of projects that may have a large economic or investment potential, in particular for SMEs, e.g. cognitive radio or e-health. Adequate protection against harmful interference should also be ensured to sustain R&D and scientific activities.

carrying out studies of radio compatibility between different spectrum users should help innovation. The Commission's Joint Research Centre should help in developing the technical aspects of spectrum regulation, notably by providing testing facilities to verify interference models relevant to Union legislation. Moreover, results of research under the Seventh Framework Programme require the examination of the spectrum needs of projects that may have a large economic or investment potential, in particular for SMEs, e.g. cognitive radio or e-health. Adequate protection against harmful interference should also be ensured to sustain R&D and scientific activities.

### **Amendment 13**

#### **Proposal for a decision**

#### **Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

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

### **Amendment 14**

#### **Proposal for a decision**

#### **Recital 19**

*Text proposed by the Commission*

*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

(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. ***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.***

## Amendment 15

### 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***

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

*Amendment*

(20) ***Acting by agreement with the European 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 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.***

*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 16**

### **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.

## **Amendment 17**

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

*Text proposed by the Commission*

*Amendment*

*(25a) This Decision is without prejudice to the protection afforded to market players by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services<sup>1</sup>.*

-----

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

## Amendment 18

### Proposal for a decision Article 1 - Title

*Text proposed by the Commission*

Aim

*Amendment*

Aim *and scope*

## Amendment 19

### 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 the Framework Directive and Directives 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.

## Amendment 20

### Proposal for a decision Article 1 - paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*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.*

## Amendment 21

### 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, ***at the same time taking account of the social, cultural and economic value of spectrum as a whole;***

## Amendment 22

### Proposal for a decision Article 2 - point b

*Text proposed by the Commission*

(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;

*Amendment*

(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) ***as amended by Directive 2009/140/EC***, 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;

## Amendment 23

### 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 ***most appropriate*** authorisation system possible in such a way as to maximise flexibility and efficiency in spectrum usage;

## Amendment 24



**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, ***so as to foster cultural diversity and media pluralism in accordance with Framework Directive as amended by Directive 2009/140/EC, as well as social and territorial cohesion.***

**Amendment 25**

**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;***

**Amendment 26**

**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 points (a) to (d) of Article 9(4) of the Framework Directive;***

## Amendment 27

### Proposal for a decision

#### Article 3 –point b a (new)

*Text proposed by the Commission*

*Amendment*

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

## Amendment 28

### Proposal for a decision

#### Article 3 –point c

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 29

### Proposal for a decision

#### Article 3 – point f

*Text proposed by the Commission*

*Amendment*

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

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

## Amendment 30

### 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) ***as amended by Directive 2009/140/EC***, 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 31

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 32

### Proposal for a decision Article 5 – title

#### *Text proposed by the Commission*

Competition

#### *Amendment*

***Regulatory principles for*** competition in

### **Amendment 33**

#### **Proposal for a decision**

#### **Article 5 – paragraph 1**

*Text proposed by the Commission*

**1. Member States shall maintain and promote effective competition and avoid distortions of competition in the internal market or in a substantial part of it.**

*Amendment*

**deleted**

### **Amendment 34**

#### **Proposal for a decision**

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

*Text proposed by the Commission*

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

*Amendment*

**2. In order to *preserve and promote effective competition in the internal market, and pursuant to Article 9(7) of Framework Directive and Article 5(6) of Authorisation Directive*, Member States may adopt *inter alia* the following measures, which are without prejudice to the application of competition rules:**

### **Amendment 35**

#### **Proposal for a decision**

#### **Article 5 - paragraph 2 - 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.

## Amendment 36

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 37

### 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.***

## Amendment 38

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

## Amendment 39

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 40

### 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.

## Amendment 41

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Amendment 42

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

#### *Text proposed by the Commission*

#### *Amendment*

***1a. In order to support the future development of innovative audiovisual media services, and in particular those***

*stemming from the switch to digital television, the Member States shall, in cooperation with the Commission, and in consideration of the economic and social benefits of the internal digital market, ensure spectrum availability for the provision of audiovisual media services and protect the radio frequencies these require.*

#### Amendment 43

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

*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 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.***

#### Amendment 44

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

*Text proposed by the Commission*

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

*Amendment*

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



the least onerous administrative burden.

conditions and the least onerous administrative burden.

## Amendment 45

### 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

## Amendment 46

### 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.**

## Amendment 47

### 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

*Amendment*

2. The inventory referred to in paragraph 1 shall allow the assessment of the technical efficiency of existing spectrum uses and the identification of inefficient technologies and applications, unused or inefficiently used spectrum and spectrum sharing opportunities. **It shall also be ensured that, where usage is not optimum,**

consumers' and operators' demands, and of the possibility to meet such needs.

*the necessary measures are taken in order to maximise efficient use.* It shall take into account future needs for spectrum based on consumers' and operators' demands, and of the possibility to meet such needs.

#### Amendment 48

##### 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*

#### Amendment 49

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

*Text proposed by the Commission*

*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 Union law, and that a sufficient amount of appropriately protected spectrum is available for Union sectoral policies.

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

## PROCEDURE

<b>Title</b>	Radio spectrum policy
<b>References</b>	COM(2010)0471 – C7-0270/2010 – 2010/0252(COD)
<b>Committee responsible</b>	ITRE
<b>Opinion by</b> Date announced in plenary	CULT 23.9.2010
<b>Rapporteur</b> Date appointed	Petra Kammerevert 19.10.2010
<b>Discussed in committee</b>	2.12.2010
<b>Date adopted</b>	3.3.2011
<b>Result of final vote</b>	+: 19 -: 1 0: 1
<b>Members present for the final vote</b>	Piotr Borys, Silvia Costa, Mary Honeyball, Petra Kammerevert, Morten Løkkegaard, Marek Henryk Migalski, Katarína Neveďalová, Doris Pack, Chrysoula Paliadeli, Marietje Schaake, Timo Soini, Emil Stoyanov, Helga Trüpel, Marie-Christine Vergiat, Milan Zver
<b>Substitute(s) present for the final vote</b>	Ivo Belet, Iosif Matula, Georgios Papanikolaou, Hella Ranner, Mitro Repo, Joanna Katarzyna Skrzydlewska