Radiocommunications, broadcasting, transport: radio spectrum, regulatory framework

2000/0187(COD) - 15/10/2001 - Council position

The main point of the Common Position which differs from the Commission proposal is that the Council has eliminated the Senior Officials Group, in the conviction that it would not be legally appropriate for such a Group to be set up by a Decision of the Parliament and Council. The Council considered that the Decision should merely set up a "Radio Spectrum Committee" under the Committee Procedure rules. The common position recognises that the Commission may arrange consultations outside the framework of this Decision in particular to take account of the opinion of Community institutions and interested parties. The Council accepts in substance the European Parliament amendment relating to the relationship between military and civilian use of the radio spectrum. Of Parliament amendments not accepted: - the Council did not consider it appropriate that decisions concerning harmonisation measures should be adopted by codecision procedure rather than by committee procedure. - the definitions of "allocation of radio frequency band" and "assignment of a radio frequency" are internationally applicable, and cannot be redrafted by Parliament. - The Council rejected the amendment that the Commission propose measures to the Parliament and the Council instead of following the committee procedure, and the amendment that provides mandates to be given to the CEPT in all cases. The latter would go beyond the areas of competence for that body. In a Joint Declaration by the Council and Commission, it states that the Radio Spectrum Decision is without prejudice to measures taken at Community level or at national level, in particular as regards the right of Member States to organise and use their radio spectrum for public order and for their own public security purposes and defence. The liaison mechanism is the representation of nationally consolidated positions by delegates of the Member States in the Radio Spectrum Committee. This implies that these delegates discuss spectrum issues to be treated on the basis of the Decision domestically with all interested parties, including their national defence authorities. Additionally, all available mechanisms could be used including liaison with second pillar activities, where appropriate.