Radiocommunications, broadcasting, transport: radio spectrum, regulatory framework

2000/0187(COD) - 18/09/2001 - Modified legislative proposal

Following Parliament's first reading of the proposed Decision on radio spectrum policy in the EU, the European Commission was able to accept a large tranche of the amendments forwarded. Many of those accepted in full relate to a strengthening of the text vis-a-vis definitions. Further, the Commission was able to adopt an amendment introducing a new recital which calls upon Member States to ensure that the allocation and assignment of radio spectrum is based on objective, transparent, non-discriminatory and proportionate criteria. Those amendments accepted in part or in principle are done so on the understanding that some of the wording be restructured. Inter alia this includes amendments referring to: - the need to establish priorities between military and civil use of radio spectrum; - harmonisation of information, at a European level, in a more user friendly manner; - negotiations at the World Radiocommunications Conferences. A number of amendments were not accepted by the European Commission. Importantly, the Commission rejects Parliamentary proposals that all decision on harmonisation measures should be adopted under the Community legislative procedure, i.e co-decision. The Commission would rather such decisions remain within the remit of comitology. Similarly, the Commission, whilst accepting that the European Parliament should be kept informed about, and where appropriate, involved in consultations on Community radio spectrum policy issues, is nevertheless of the view Parliament should not be involved in the 'Senior Official Radio Spectrum Policy Group.' Also rejected are suggestions to modify internationally agreed and applicable definitions. Lastly, although certain elements in amendments 20 and 23 could have been accepted in principle by the Commission, the adopted compromise amendment could not be adopted. Reasons for this decision are four fold. Firstly, the compromise amendment suggests that a Senior Official Radio Spectrum Policy Committee will be created. This is not the case. Secondly, the amendment suggests that the Commission should always propose measures to the Parliament and the Council. This is only the case where such proposals would go beyond the adoption of technical implementing measures - i. e in comitology. Thirdly, the amendment stipulates that the CRPT will always receive mandates in the development of technical implementing measures. This is only the case in areas where the CRPT is competent. In other words with regard to frequency allocation and information availability only. Fourthly, the amendment proposes to approve mandates by the Committee in accordance with a regulatory procedure. This would mean a departure from current practice under Community legislation. Thus, the Commission is unable to accept this aspect of the amendment.