# Radiocommunications, broadcasting, transport: radio spectrum, regulatory framework

2000/0187(COD) - 19/10/2001 - Commission communication on Council's position

The Commission accepts the common position reached by the Council. The Council supports the main principle underlying the proposal, namely that, where Parliament and Council have agreed on a Community policy that depends on radio spectrum, comitology procedures shall be used for the adoption of technical harmonisation measures necessary for the implementation of such policy. Where it is necessary to adopt harmonisation measures that cannot be considered as technical implementing measures, the Commission shall present to the European Parliament and to the Council a legislative proposal on the basis of the Treaty. The Council has deleted recitals and added new ones: - radio spectrum policy should contribute to freedom of expression; - comitology will be used for the adoption of technical implementing measures; - composition and function of the Radio Spectrum Committee; - legislative proposals which go beyond technical implementing measures, shall be presented to the Parliament and to the Council; - transitional periods for the implementation of technical implementing measures where frequencies for public order, public security and defence are affected; - the Commission may organise consultations outside the framework of this Decision; - radio spectrum technical management excludes assignment and licensing procedures. Whilst the common position allows the Commission to organise consultations outside the framework of the Decision, it does not specify whether such consultations should be organised by the Commission on an ad hoc basis or whether a separate consultative and advisory body, such as the Commission envisaged with the Senior Official Radio Spectrum Policy Group, should be established under a Commission Decision. In any case, both Parliament and Council acknowledge the need for wide consultation on radio spectrum policy issues in the Community. Finally, the Commission supports the provisions in the common position dealing with information availability, which are almost identical to Parliament's amendment. The Member States will be obliged to make relevant information publicly available, also in electronic format, and comitology procedures can be used to harmonise further the content and format of the information to be published.