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**NOTE**

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| from:    | General Secretariat  |
| to:      | Permanent Representatives Committee/Council  |
| Subject: | Proposal for a Decision of the European Parliament and of the Council establishing the first radio spectrum policy programme - Outcome of the European Parliament's first reading (Strasbourg, 9 to 12 May 2011) |

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**I. INTRODUCTION**

The Rapporteur, Mr Gunnar HÖKMARK (EPP, SE), presented a report consisting of 88 amendments (amendments 1-88) to the proposal for a Decision of the European Parliament and of the Council establishing the first radio spectrum policy programme on behalf of the Committee on Industry, Research and Energy. In addition, the Greens/EFA political group tabled four amendments (amendments 89-92).

**II. DEBATE**

The Rapporteur, Mr Gunnar HÖKMARK (EPP, SE), opened the debate, and:

- stressed the good cooperation with the shadow Rapporteurs, MEP Catherine TRAUTMAN (S&D, FR), MEP Jens ROHDE (ALDE, AT), MEP Giles CHICHESTER (ECR, UK) and MEP Philippe LAMBERTS (Greens/EFA, BE);

- explained that the discussion between the various proposals was about the choice of whether Europe was to be number one or number three, and that the European Union was the biggest economy, although it didn't have the biggest markets;
- stressed that in order to secure the lead in area after area with regard to telecoms and the development of broadband, Europe had to have the best broadband capacity and the highest speeds, in order to be home to the development of the new services that will be crucial to the modern economy and to competitiveness;
- explained that the report proposed to stick to the date of 2013 with regard to the 800 MHz band, and that the European Union should free up 1200 MHz in the 1.5 GHz band and the 2.3 GHz band, while starting the discussion about the 700 MHz band, and to use the 5 GHz band for common licence-free use for all short-distance mobile Internet communications;
- asked the strongest possible support from the house in order to discuss with the Member States and raise the issue of whether they all wanted to be number one or not;

Commissioner Neelie KROES took the floor and:

- stated that this report was a clear wake-up call, which was the language that Europe needed;
- explained that the programme was essential for a digital Europe, for the European economy and for society as a whole, since it was clear from the report that the European Parliament shared the Commission's view on the importance of a coordinated and effective spectrum policy to meet broadband targets;
- pleaded for maximising Europe's social and cultural impact by enabling innovative services for the benefit of citizens, and saw a lot of synergies between the use of spectrum for the distribution of content and culture, especially talking about audiovisual media content, and for wireless broadband, since broadband Internet access also offered high cultural and social value, but without forgetting that digital television and wireless broadband could develop successfully in parallel;
- explained that broadcasting knew no borders, and that EU policies would need appropriate support in international negotiations as well as Member States would also need assistance to negotiate with neighbouring non-EU countries;

- stressed that the Commission could support, sometimes subject to small modifications, almost all of the European Parliament's approach;
- mentioned six issues on which the Commission particularly welcomed and agreed with the position taken in the report: the importance of spectrum for the Digital Agenda to provide all citizens with high broadband access, keeping under review the possibilities for additional spectrum to meet the growing consumer demand for wireless broadband, confirming 2013 as the date to free the 800 MHz digital dividend band (with derogations until 2015, in exceptional technical circumstances or due to coordination issues with third countries), the coverage of other important EU policies beyond electronic communications (environment, transport or research), the importance of an efficient inventory of spectrum use, and the need to coordinate the promotion of EU policies at an international level and to support the Member States in their negotiations with non-EU countries;
- mentioned a number of other important issues on which the Commission had to be a bit more nuanced: on restructuring, the presentation of principles and objectives should not reduce the visibility of the principle of efficient use of spectrum, which should apply to all sectors to the greatest extent possible, on the addition of the need to ensure sufficient spectrum for audiovisual services, which should not single out specific modes of delivery, on competition and reserving spectrum for new entrants, and on compensation of migration costs by Member States, which had to be in conformity with state aid rules;
- mentioned two proposal which the Commission had slight difficulties to accept: for spectrum already technically harmonised, an obligation to authorise its use by 2012 should not be replaced by the softer obligation to make such spectrum available, since existing positions already require this, and spectrum for broadband satellite access, the availability of which the Commission wanted to ensure; and
- concluded on the need for an early adoption, considering the remaining implementing work, and therefore on the need for a successful conclusion of the negotiations with the Council.

Speaking on behalf of the Culture and Education Committee, Petra KAMMEREVERT (S&D, DE):

- welcomed the spreading broadband throughout the EU, while recalling that frequencies were scarce;
- insisted that the Telecom Package was designed to bring media pluralism and cultural diversity, and that these parameters should not be forgotten when discussing spectrum policy;
- considered that the 790 MHz should not be opened, even though the Committee on Industry, Research and Energy didn't agree; and
- explained that clear arrangements for compensatory measures should be made as regards the allocation of frequencies, considering the situation in which many cultural activities using wireless microphones would be faced with the need to use frequencies available for commercial use.

Speaking on behalf of the EPP Group, Pilar DEL CASTILLO VERA (EPP, ES):

- recalled that the report had received unanimous support in the Committee on Industry, Research and Energy;
- insisted on the fact that wireless broadband coming through 80 MHz for mobile telecommunications in Europe would become a reality, even though the Report went further on with the issue of the 700 MHz;
- stressed that video communications represented 40% of world traffic, and that they would represent 91% of users traffic by 2014; and
- called for a positive vote in favour of the Report.

Speaking on behalf of the S&D Group, Catherine TRAUTMAN (S&D, FR):

- recalled that the proposal originated at the time of the Telecom Package, and that behind technical aspects lied fundamental political concerns;
- considered that spectrum was a scarce resource with no borders, but that the solutions for a better management, as well as the overall ambition evidenced divergences, especially with Member States, whom sovereignty has historically been acknowledged;

- supported the overall approach, which consisted in a more integrated approach to spectrum management which would be realistic and would answer citizens social, economical and cultural needs;
- explained that as regards Radio Spectrum Policy Program (RSPP), the S&D Group tabled amendments aiming at transparency in the allocation and management of spectrum, as well as at bringing solutions to the growing frequency demand in electronic communications by insisting on spectrum efficiency, thus using spectrum as a means against the digital gap;
- concluded that despite the fact that an agreement at first reading would not be possible, agreement should absolutely be reached by the end of the year, in the interest of public services, consumers, Internet development, and economic recovery.

Speaking on behalf of the ALDE Group, Jens ROHDE (ALDE, AT):

- stressed that better and less expensive data transmission through high-speed broadband for all in 2020 was an ambitious policy target which would not come easily;
- insisted that broadband for all was more about ensuring Europe's place in the world as a leading knowledge-based economy, an ambition which required a well-functioning pro-competition telecommunications market at European level, through rules on competition-proofing, and a more efficient allocation of spectrum, by freeing up the 800 MHz band, but also additional bands amounting to at least 1200 MHz by 2015;
- thanked the Commission, the Commissioner, the Rapporteur and the shadow Rapporteurs.

Speaking on behalf of the ECR Group, Giles CHICHESTER (ECR, UK):

- congratulated the Rapporteur for achieving a very broad measure of consensus;
- explained that the key point was getting the right balance between the incumbent broadcasters, the mobile operators, broadband provision and the official users, including the military and civil emergency services;
- warned that subsidiarity and national competences had to be respected in this area and in this process.

Speaking on behalf of the Greens/EFA Group, Philippe LAMBERTS (Greens/EFA, BE):

- stressed that spectrum was a scarce resource, but above all a public good, subject to no exclusive property and no right of pre-emption, and that therefore transparency was important as regards both the use of spectrum, including as regards security and military services, and the allocation of frequencies;
- insisted that spectrum was not purely commercial and did not necessarily generate profits, as was the case with the cultural dimension, the public services and the military services; and
- wanted to draw the attention to the fact that the exponential use of spectrum had implications in terms of public health, even if this issue was not dealt with in the Report.

Sabine VERHEYEN(EPP, DE):

- declared that the RSPP was an important topic, and that the allocation of frequencies should be done on the basis of economic, social and cultural considerations;
- stressed that the basis underlying the RSPP should be the Telecom Package;
- considered that frequencies under 800 MHz shouldn't be allocated yet; and
- concluded that broadband Internet access was in the interest of EU citizens, but that traditional broadcasting was essential for cultural activities.

Teresa RIERA MADURELL (S&D, ES):

- declared that thanks to the Telecom Package spectrum management was now in the political sphere at the European level, where it belongs, instead of at the technical and national level, especially because it is a public and scarce resource; and
- indicated that spectrum management should aim at the biggest economic and social benefit by removing incompatibilities between users groups.

Jean-Pierre AUDY (EPP, FR):

- considered that the Report went along the lines of the Commission proposal, in particular as regards the availability of the 800 MHz band by 1st January 2013 as a consequence of the end of traditional television broadcasting, especially taking into account the high quality of the so-called "golden frequencies";
- stressed that the inventory provided for in Article 8 should absolutely be made, so that technical expertise could be at the basis of any future decision; and
- indicated his opposition to Amendment 78 concerning the paper of the Commission as regards the military use of spectrum.

Silvia-Adriana ȚICĂU (S&D, RO):

- declared that the Decision establishing the first RSPP meant that a strategic planning and a harmonized use of Radio spectrum would be established in order to ensure the proper functioning of the internal market; and
- explained that she had proposed to remove the digital gap by allowing all EU citizens to benefit from a broadband 30 Megabytes per second access by 2020, and that new technological developments be available so that digital dividend could be supported by consumers.

Patrizia TOIA (S&D, IT):

- stressed the development possibilities in the telecommunications sector, and the economic benefits it would generate while unlocking a considerable cultural and social potential;
- considered that choices that would have to be made should be based on the principles of media pluralism, of balance between liberalization and promotion of operators which have made important investments, and of transparency and good governance.

Lambert VAN NISTELROOIJ (EPP, NL):

- stressed that the debate was taking place on Europe Day, and that the subject of the Report was economically and socially important for citizens in Europe;
- explained that good European coordination was needed, and that the availability of the 800 MHz band in 2013 and 1200 MHz in 2015 was a requisite for Europe to be number one;
- recalled that individual Member States, in particular the Netherlands, had already made the 800 MHz band available; and
- concluded that an agreement should be reached as soon as possible.

Paul RÜBIG (EPP, AT):

- considered that the compromise tabled was a good compromise, but that the main issue was that of the definition of a performance level for operators since they all co-existed, an issue which should be addressed through a further report; and
- raised the issue of the price levels as regards roaming and the price of the gigabyte.

Andreas MÖLZER (NI, AT):

- declared that Europe should take the lead in developing broadband technologies;
- questioned the role of Europe in relation to the Member States; and
- agreed with the Rapporteur on the need to keep the timetable.

Commissioner Neelie KROES again took the floor, and:

- stressed that the issue only seemed to be a very technical one, even though it was not the case, and that radio spectrum was a scarce resource, a public good and an essential good, an aspect which the Rapporteur and the shadows succeeded in evidencing;

- explained that this issue was a major one for the Digital Agenda, which set the date according to which in 2020 every European should be able to pursue his or her interests via what are ultimately spectrum opportunities, irrespective of creating digital opportunities for every European by 2013;
- indicated to fully respect the use of spectrum for broadcasting and cultural activities, and that the issue of additional spectrum for broadband and the second digital dividend would have to be tackled as well, even though the freeing the 800 MHz band could be considered as step one;
- recalled that the Commission agreed that spectrum was a national competence, and that the inventory was a matter for the Member States, but also that spectrum was a very valuable resource, which implied that talking about a digital single market should lead to thinking along cross-border lines, especially as regards spectrum policy;
- considered, as regards deadlines, that 2013 was not too early, and that derogations were proposed in the case of difficulties with neighbouring countries and in the case of circumstances that no one could have foreseen, even though time was not an ally and derogations should not be misused.

The Rapporteur, Mr Gunnar HÖKMARK, closed the debate by:

- recalling that this part of society was developing extremely rapidly and that the issue was about how things would be in 2020;
- stressing that the discussion on the 700 MHz band was precisely about that, and that spectrum was a scarce resource and a public good which had to be used as well and as efficiently as possible; and
- emphasising that there was no conflict between cultural and commercial use, that it was about the ambition to bring culture into this new technology, rather than reserving the technology for commercial use, which would left culture behind and closed into the old technologies.

### III. VOTE

When it voted in plenary on 11 May 2011, the European Parliament adopted amendments 1-9, 11-49, 51-73, 75-90, and 92.

The text of the amendments adopted and the European Parliament's legislative resolution are annexed to this note.

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## **First radio spectrum policy programme \*\*\*I**

**European Parliament legislative resolution of 11 May 2011 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))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0471),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0270/2010),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 16 February 2011<sup>1</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Culture and Education (A7-0151/2011),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 107, 6.4.2011, p. 53.

## 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. 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 audio-visual policy and to the right of Member States to organise and use their spectrum for public order and public security purposes and defence.

*Amendment*

(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. ***The radio spectrum policy programme supports the goals and key actions outlined in the EU2020 Strategy and the Digital Agenda, and is included among the 50 priority actions of the Single Market Act.*** This Decision is without prejudice to existing EU law, in particular Directives 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***<sup>1</sup>, ***2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)***<sup>2</sup>, ***2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)***<sup>3</sup>, ***2002/21/EC and 2009/140/EC of the European***

**Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC, 2002/19/EC, and 2002/20/EC<sup>4</sup>, as well as 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)<sup>5</sup>.** 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 audio-visual policy and to the right of Member States to organise and use their spectrum for public order and public security purposes and defence.

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<sup>1</sup> *OJ L 91, 7. 4. 1999, p. 10.*

<sup>2</sup> *OJ L 108, 24.4.2002, p. 7.*

<sup>3</sup> *OJ L 108, 24.4.2002, p. 21.*

<sup>4</sup> *OJ L 337, 18.12.2009, p. 37.*

<sup>5</sup> *OJ L 108, 24.4.2002, p. 1.*

## 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

#### *Amendment*

(2) Spectrum is a key **public** 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. ***An efficient use of spectrum also plays a role in the universal access to electronic communications, in particular for citizens and businesses***

implications.

*located in less populated or remote areas, such as rural areas or islands.* 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 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) A renewed economic and social approach with regard to the management, allocation and usage of spectrum should be adopted, whereby particular focus is directed towards the formulation of regulation which ensures greater spectrum efficiency, better frequency planning and safeguards against anti-competitive behaviour and the taking of anti-social measures with regard to the usage of spectrum.***

### Amendment 4

#### Proposal for a decision Recital 3

*Text proposed by the Commission*

*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

(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, ***employment creation***, and ***simultaneously*** 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. ***The harmonisation of spectrum use is also essential to ensure the quality of the services provided by electronic communications and to create economies***

development, transport and energy.

***of scale lowering both the cost of deploying wireless networks and the cost of wireless devices for consumers.*** 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. ***Any delay of the necessary reform by current right holders should be avoided at all costs.***

## Amendment 5

### Proposal for a decision Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(3a) This first programme should promote competition, introduce a pan-European level playing field and lay the foundation for a genuine single digital market. In order to secure the full potential and consumer benefits of this radio spectrum programme and of the single market, the programme should be supplemented by upcoming and new proposals that will enable the development of the online economy such as on data protection and on a European licence system for online content.***

## Amendment 6

### Proposal for a decision Recital 4

*Text proposed by the Commission*

*Amendment*

(4) This first programme should in particular support the Europe 2020 Strategy for smart, sustainable and inclusive growth given the huge potential of wireless services to promote an information-based economy, develop and

(4) This first programme should in particular support the Europe 2020 Strategy for smart, sustainable and inclusive growth given the huge potential of wireless services to promote an information-based economy, develop and

assist sectors relying on information and communications technologies and overcome the digital divide. It is also a key action in the Digital Agenda for Europe which aims to deliver fast broadband internet in the future network-based knowledge economy, with an ambitious target for universal broadband coverage ***with speeds of at least 30 Mbps for all Europeans by 2020***, thereby achieving the sustainable economic and social benefits of a digital single market. It should also support and promote other Union sectoral policies such as a sustainable environment and economic and social inclusion for all Union citizens. Given the importance of wireless applications for innovation, this programme is also a key initiative in support of Union policies on innovation.

assist sectors relying on information and communications technologies and overcome the digital divide. ***The explosion of, in particular, audiovisual media services and online content is driving demand for speed and coverage.*** It is also a key action in the Digital Agenda for Europe which aims to deliver fast broadband internet in the future network-based knowledge economy, with an ambitious target for universal broadband coverage. ***Providing the highest possible broadband speeds and capacity, ensuring not less than 30 Mbps for all by 2020 with at least half of European households having broadband access at a speed of at least 100 Mbps, is important for fostering economic growth and global competitiveness,*** thereby achieving the sustainable economic and social benefits of a digital single market. It should also support and promote other Union sectoral policies such as a sustainable environment and economic and social inclusion for all Union citizens. Given the importance of wireless applications for innovation, this programme is also a key initiative in support of Union policies on innovation.

## Amendment 7

### Proposal for a decision Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) The first programme must lay the foundations for a development whereby the Union can take the lead regarding broadband speeds, mobility, coverage and capacity. Such leadership is essential in order to establish a competitive digital single market working as a spearhead to open up the internal market for all Union citizens.***

## Amendment 8

**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 **lay down the** 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 9**

**Proposal for a decision**  
**Recital 7**

*Text proposed by the Commission*

(7) Ensuring the optimal use of spectrum may require innovative authorisation solutions such as collective use of spectrum, general authorisations or infrastructure sharing. The application of such principles in the Union might be facilitated by the definition of certain common or converging conditions for spectrum usage. General authorisations, which are the least onerous authorisation system, are of particular interest where interference does not risk hampering the development of other services.

*Amendment*

(7) Ensuring the optimal **and productive** use of spectrum **as a public good** may require **the Commission and Member States to put in place** innovative authorisation solutions such as collective use of spectrum, general authorisations or infrastructure sharing, **besides traditional solutions like auctions**. The application of such principles in the Union might be facilitated by **identifying best practices and encouraging information sharing, as well as** the definition of certain common or converging conditions for spectrum usage. General authorisations, which are the **most appropriate and** least onerous authorisation system, are of particular interest where interference does not risk hampering the development of other services, **and most appropriate in accordance with Article 5 of Directive 2002/20/EC**.

**Amendment 89**

**Proposal for a decision**  
**Recital 7 a (new)**

***(7a) While technologically still in development, so-called "cognitive technologies" should already be further explored and implemented through geolocalised information on spectrum usage, which should be mapped in the inventory.***

## **Amendment 11**

### **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 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*

(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 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. ***In addition, with a view to achieving the objectives of the Digital Agenda for Europe, part of the proceeds from the auctioning of spectrum rights ('digital dividend') should be used to speed up the expansion of broadband coverage.***

## **Amendment 12**

### **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

*Amendment*

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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).

means to boost competition, **a pan-European level playing field**, 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 **conduct a thorough analysis of competition effects prior to new spectrum allocations as well as taking** 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 **Council Directive 87/372/EEC of 25 June 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community**<sup>1</sup> (the 'GSM' Directive). **Member States may also take steps to achieve a more even allocation of spectrum between economic operators by reserving spectrum for new entrants to a frequency band or group of bands with similar characteristics.**

<sup>1</sup> OJ L 196, 17.7.1987, p. 85.

## Amendment 13

### 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 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 ***and the efficiency of such use, following a common*** review and assessment methodology, ***is*** necessary in the Union to improve the efficiency of spectrum and radio equipment use, in particular between 300 MHz and ***6 GHz, but also from 6 GHz to 70 GHz as these frequencies will become increasingly important following rapid technological developments. The inventory should be sufficiently detailed*** 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. ***In addition, taking into account the continuous growth of the number of applications using wireless data, Member States should promote the efficient use of spectrum for user applications.***

## Amendment 14

### 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

##### *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 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.

terminal equipment and the mutual recognition of their conformity<sup>7</sup> 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, *with the aim of avoiding harmful interference or disturbance to existing and future spectrum use. Moreover, Member States may, where appropriate, introduce, in accordance with national law, compensatory measures related to the direct cost of resolving interference issues and migration costs.*

## Amendment 15

### Proposal for a decision Recital 12

#### *Text proposed by the Commission*

(12) In line with the objectives of the Commission's flagship initiative "Digital Agenda for Europe", wireless broadband **could** contribute substantially to economic recovery and growth if sufficient spectrum is made available, usage rights are awarded quickly and trading is allowed to adapt to market evolution. The Digital Agenda calls for all Union citizens to have access to broadband of at least 30 Mbps by 2020. Therefore, spectrum that has already been **designated** should be authorised by 2012 for terrestrial communications to ensure easy access to wireless broadband for all, in particular within spectrum bands designated by Commission Decisions 2008/477/EC, 2008/411/EC and

#### *Amendment*

(12) In line with the objectives of the Commission's flagship initiative "Digital Agenda for Europe", wireless broadband **services** contribute substantially to economic recovery and growth if sufficient spectrum is made available, usage rights are awarded quickly and trading is allowed to adapt to market evolution. The Digital Agenda calls for all Union citizens to have access to broadband of at least 30 Mbps by 2020. Therefore, spectrum that has already been **harmonised** should be authorised by 2012 for terrestrial communications to ensure easy access to wireless broadband for all, in particular within spectrum bands designated by Commission Decisions 2008/477/EC, 2008/411/EC and

2009/766/EC. To complement terrestrial broadband services and ensure coverage of most remote Union areas, affordable satellite broadband access could be a fast and feasible solution.

2009/766/EC. To complement terrestrial broadband services and ensure coverage of most remote Union areas, affordable satellite broadband access could be a fast and feasible solution.

## **Amendment 16**

### **Proposal for a decision Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) According to multiple converging studies, mobile data traffic is increasing rapidly and is currently being doubled every year. At this pace, which is likely to continue in the coming years, mobile data traffic will have increased nearly 40 fold between 2009 and 2014. In order to manage this exponential growth, a number of actions will be required by regulators and market players including increased spectrum efficiency across the board, possible further harmonised spectrum allocations for wireless broadband, and traffic offload onto other networks via multi-mode devices.***

## **Amendment 17**

### **Proposal for a decision Recital 12 b (new)**

*Text proposed by the Commission*

*Amendment*

***(12b) More flexible arrangements governing spectrum use should be introduced in order to foster innovation and high-speed broadband connections which enable firms to reduce their costs and increase their competitiveness and make it possible to develop new interactive online services, for example in the fields of education and health and services of general interest.***

## Amendment 18

### Proposal for a decision Recital 12 c (new)

*Text proposed by the Commission*

*Amendment*

***(12c) A European market with nearly 500 million people connected to high-speed broadband would act as a spearhead for the development of the internal market, creating a globally unique critical mass of users exposing all regions to new opportunities and giving each user increased value and the Union the capacity to be a world-leading knowledge-based economy. A rapid deployment of broadband is crucial for the development of European productivity and for the emergence of new and small enterprises that can be leaders in different sectors, for example healthcare, manufacturing and the services industry.***

## Amendment 19

### Proposal for a decision Recital 12 d (new)

*Text proposed by the Commission*

*Amendment*

***(12d) The International Telecommunications Union (ITU) has estimated the future spectrum bandwidth requirements for the development of International Mobile Telecommunications-2000 (IMT-2000) and IMT-advanced systems (i.e. 3G and 4G mobile communications) as amounting to between 1280 and 1720 MHz in 2020 for the commercial mobile industry for each ITU region including Europe. Without the freeing up of additional spectrum, preferably harmonised at global level, new services and economic growth will be hindered by capacity constraints in mobile networks.***

## Amendment 20

### 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) **In addition to a timely and pro-competitive opening up of the 900 MHz band in accordance with the "GSM" Directive 2009/114/EC of the European Parliament and of the Council of 16 September 2009<sup>1</sup>, the 800 MHz band can be used in an optimal way** for the coverage of large areas by wireless broadband services. Building on the harmonisation of technical conditions under **Commission Decision 2010/267/EU of 6 May 2010 on harmonised technical conditions of use in the 790-862 MHz frequency band for terrestrial systems capable of providing electronic communications services in the European Union<sup>2</sup>**, and on Commission Recommendation **2009/848/EC** of 28 October 2009 **facilitating the release of the digital dividend in the European Union<sup>3</sup>**, 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. **Speedy implementation in respect of that band is needed to avoid technical disturbances, particularly in the border regions between Member States.** Considering the capacity of the 800 MHz band to transmit over large areas, coverage obligations **achieved through the principles of technical and service neutrality** should be attached to rights. **Additional spectrum for wireless broadband services in the 1.5 GHz band (1452-1492 MHz) and the 2.3 GHz band (2300-2400 MHz) should be freed up to meet the increasing demand for mobile traffic and should ensure a level playing field between different technological solutions and support the emergence of pan-European operators within the Union. Further mobile service spectrum**

*allocations, such as the 700 MHz band (694-790 MHz), should be evaluated depending on future capacity requirements for wireless broadband services and terrestrial TV.*

<sup>1</sup> OJ L 274, 20.10.2009, p. 25.

<sup>2</sup> OJ L 117, 11.5.2010, p. 95.

<sup>3</sup> OJ L 308, 24.11.2009, p 24.

## **Amendment 21**

### **Proposal for a decision Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

*(13a) Increased mobile broadband opportunities are crucial to provide the cultural sector with new distribution platforms, thereby paving the way for the successful future development of the sector. It is essential that terrestrial TV services and other actors be able to maintain existing services when an additional part of the spectrum is freed up for wireless services. Migration costs, resulting from the opening up of additional spectrum, may be covered through licence fees, making it possible for broadcasters to have the same opportunities as are enjoyed today in other parts of the spectrum.*

## **Amendment 22**

### **Proposal for a decision Recital 13 b (new)**

*Text proposed by the Commission*

*Amendment*

*(13b) Wireless access systems, including radio local access networks, are outgrowing their current allocations on an unlicensed basis at 2.4GHz and 5GHz. The feasibility of extending the allocations of unlicensed spectrum for wireless access systems, including radio local area networks, established by Decision 2005/513/EC, should be assessed*

*in relation to the inventory of existing uses of, and emerging needs for, spectrum, and depending on use of spectrum for other usages.*

## **Amendment 23**

### **Proposal for a decision Recital 13 c (new)**

*Text proposed by the Commission*

*Amendment*

*(13c) While broadcast will remain an important distribution platform for content, as it is still the most economical platform for mass-distribution, broadband, fixed and mobile, and other new services provide new opportunities for the cultural sector to diversify its range of distribution platforms, to deliver on-demand services and to tap into the economic potential of the major increase in data traffic.*

## **Amendment 24**

### **Proposal for a decision Recital 13 d (new)**

*Text proposed by the Commission*

*Amendment*

*(13d) Similar to the "GSM" standard, which was successfully taken up around the world thanks to an early and decisive pan-European harmonisation, the Union should aim to set the global agenda for future spectrum re-allocations especially for the most efficient part of the spectrum. Agreements in the World Radio Conference (WRC) 2016 will be pivotal to ensure global harmonisation and co-ordination with neighbouring third countries.*

## Amendment 25

### Proposal for a decision Recital 13 e (new)

*Text proposed by the Commission*

*Amendment*

***(13e) Wireless access systems, including radio local access networks, are outgrowing their current allocations on an unlicensed basis at 2.4GHz and 5GHz. In order to accommodate the next generation of wireless technologies, wider channels are required, enabling speeds in excess of 1Gbps.***

## Amendment 26

### Proposal for a decision Recital 14

*Text proposed by the Commission*

*Amendment*

(14) Since a common approach and economies of scale are key to developing broadband communications throughout the Union and preventing competition distortion and market fragmentation among Member States, certain authorisation and procedural conditions ***could*** be defined in concerted action among Member States and with the Commission. Conditions could include coverage obligations, spectrum block size, the timing of granting rights, access to mobile virtual network operators (MVNOs) and the duration of rights of use. Reflecting the importance of spectrum trading for increasing efficient use of spectrum and developing the internal market for wireless equipment and services, these conditions should apply to spectrum bands that are allocated to wireless communications, and for which rights of use may be transferred or leased.

(14) Since a common approach and economies of scale are key to developing broadband communications throughout the Union and preventing competition distortion and market fragmentation among Member States, certain authorisation and procedural conditions ***should*** be defined in concerted action among Member States and with the Commission. Conditions ***should primarily ensure new entrants' access to lower bands through auctions or other competition procedures. Conditions*** could ***also*** include coverage obligations, spectrum block size, the timing of granting rights, access to mobile virtual network operators (MVNOs) and the duration of rights of use. Reflecting the importance of spectrum trading for increasing efficient use of spectrum, ***facilitating the emergence of new pan-European services*** and developing the internal market for wireless equipment and services, these conditions should apply to spectrum bands that are allocated to wireless communications, and for which rights of use may be transferred or leased.

## Amendment 27

### 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 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*

(15) Additional spectrum may be needed by other sectors such as transport (for safety, information and management systems), R&D, **culture**, e-health, e-inclusion **and** public protection and disaster relief (**PPDR**), **the latter in view of its increased use of video and data transmission for quick and more efficient service**. Optimising synergies **and direct links** between spectrum policy and R&D activities and carrying out studies of radio compatibility between different spectrum users should help innovation. **Relevant research organisations** 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 28

### Proposal for a decision

#### Recital 17

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

(17) Protection of public health against electromagnetic fields is essential for citizens' **well-being** and for a coherent approach to spectrum authorisation in the Union; while subject to Council Recommendation 1999/519/EC on the limitation of exposure of the general public to electromagnetic fields, it is essential to ensure constant monitoring of the ionising

##### *Amendment*

(17) Protection of public health against electromagnetic fields is essential for citizens' **wellbeing** and for a coherent approach to spectrum authorisation in the Union; while subject to Council Recommendation 1999/519/EC on the limitation of exposure of the general public to electromagnetic fields<sup>1</sup>, it is essential to **attain a better understanding of the**

and non-ionising effects of spectrum use on health, including the real-life cumulative effects of spectrum use in various frequencies by an increasing number of equipment types.

*responses of living organisms to electromagnetic fields and to ensure constant monitoring of the ionising and non-ionising effects of spectrum use on health, including the real-life cumulative effects of spectrum use in various frequencies by an increasing number of equipment types. **While achieving appropriate public safety, Member States should ensure protective measures are technology and service neutral.***

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<sup>1</sup> *OJ L 199, 30.7.1999, p.59.*

## Amendment 29

### Proposal for a decision

#### Recital 18

*Text proposed by the Commission*

(18) Essential public interest objectives such as safety of life call for coordinated technical solutions for the interworking of safety and emergency services between Member States. Sufficient spectrum should be made available **on a coherent basis** for the development and free circulation of safety services and devices and innovative pan-European or interoperable safety and emergency solutions. Studies have already shown the need for additional harmonised spectrum below 1 GHz to deliver mobile broadband services for public protection and disaster relief, across the Union in the next 5 to 10 years.

*Amendment*

(18) Essential public interest objectives such as safety of life call for coordinated technical solutions for the interworking of safety and emergency services between Member States. Sufficient spectrum should be made available **in a coordinated pan-European block of radio spectrum** for the development and free circulation of safety services and devices and innovative pan-European or interoperable safety and emergency solutions. Studies have already shown the need for additional harmonised spectrum below 1 GHz to deliver mobile broadband services for public protection and disaster relief, across the Union in the next 5 to 10 years. **Any additional harmonised allocation of spectrum for PPDR below 1GHz should also include a review of potential to free up or share other PPDR-held spectrum.**

## Amendment 30

### Proposal for a decision

#### Recital 19

(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<sup>8</sup> 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.

(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<sup>8</sup> 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 *ensure the Union speaks with one voice* in multilateral negotiations *to create global synergies and economies of scale in the use of spectrum*, including in the International Telecommunications Union that corresponds to its level of responsibility for spectrum matters under Union law.

## **Amendment 31**

### **Proposal for a decision**

#### **Recital 21**

(21) The 2012 WRC includes specific issues of Union relevance such as the digital dividend, scientific and meteorological services, sustainable development and climate change, satellite communications and the use of spectrum for GALILEO (established by Council Regulation (EC) No 876/2002<sup>9</sup> setting up the Galileo Joint Undertaking and Council Regulation (EC) No 1321/2004<sup>10</sup> on the establishment of structures for the

(21) *To avoid the growing pressure on frequency band reserved for satellite navigation and satellite communication their bandwidth must be secured in the new planning of spectrum use.* The 2012 WRC includes specific issues of Union relevance such as the digital dividend, scientific and meteorological services, sustainable development and climate change, satellite communications and the use of spectrum for GALILEO (established

management of the European satellite radio-navigation programmes), as well as the Global Monitoring for Environment and Security European programme<sup>11</sup> for the improved use of Earth observation data.

by Council Regulation (EC) No 876/2002 setting up the Galileo Joint Undertaking and Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio-navigation programmes), as well as the Global Monitoring for Environment and Security European programme<sup>11</sup> for the improved use of Earth observation data.

## Amendment 32

### Proposal for a decision

#### Recital 22

*Text proposed by the Commission*

(22) Member States **may also need support on frequency coordination in bilateral negotiations with *non-Union* neighbouring countries, including *accession or candidate countries, to meet their Union obligations on frequency coordination issues***. This should also help avoid harmful interference and improve spectrum efficiency and spectrum use convergence even beyond Union borders. Action is particularly pressing in the 800 MHz and 3.4-3.8GHz bands for the transition to cellular broadband technologies and for the harmonisation of spectrum necessary for the modernisation of air traffic control.

*Amendment*

(22) Member States **are encouraged to continue bilateral negotiations with neighbouring third countries, including candidate and potential candidate countries, to meet their Union obligations on frequency coordination issues and to try to find agreements which can set a positive precedent for other Member States. The Union should assist Member States with technical and political support in their bilateral and multilateral negotiations with *third countries, in particular* neighbouring countries including *candidate and potential candidate countries***. This should also help avoid harmful interference and improve spectrum efficiency and spectrum use convergence even beyond Union borders. Action is particularly pressing in the 800 MHz and 3.4-3.8GHz bands for the transition to cellular broadband technologies and for the harmonisation of spectrum necessary for the modernisation of air traffic control.

## Amendment 33

### Proposal for a decision

#### Recital 24

*Text proposed by the Commission*

(24) The Commission should report to the

*Amendment*

(24) The Commission should report

European Parliament and the Council on the results achieved under this Decision, as well as on planned future actions.

*annually* to the European Parliament and the Council on the results achieved under this Decision, as well as on planned future actions.

#### Amendment 34

##### 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;***

#### Amendment 35

##### Proposal for a decision Article 1

*Text proposed by the Commission*

*Amendment*

Article 1

Aim

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.

Article 1

Aim *and scope*

1. This Decision establishes a ***multi-annual*** radio spectrum policy programme for the strategic planning and harmonisation of the use of spectrum to ensure the functioning of the internal market.

***2. This Decision covers the internal market in all Union policy areas involving the use of spectrum such as, but not limited to, electronic communications, research, development and innovation, transport, energy and audio-visual policy.***

***3. This Decision is in accordance with existing Union law, in particular Directives 2002/19/EC, 2002/20/EC, 2002/21/EC and 1999/5/EC, as well as***

*Decision No 676/2002/EC, and also with measures taken at national level in compliance with Union law and with specific international agreements, taking into account the ITU Radio Regulation.; 4. This Decision is without prejudice to measures taken at national level in full compliance with Union law, which pursue general interest objectives, in particular relating to content regulation and audiovisual policy.*

## Amendment 36

### Proposal for a decision

#### Article 2

*Text proposed by the Commission*

#### Article 2

*Application of* general regulatory principles

Member States shall cooperate with each other and with the Commission in a transparent manner, in order to ensure the consistent application of the following general regulatory principles across the Union:

(a) encouraging efficient use of spectrum to best meet the increasing demand for use of frequencies;

*(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;*

(c) applying the least onerous authorisation system possible in such a way as to maximise flexibility and efficiency in spectrum usage;

(d) guaranteeing the *functioning* of the internal market, *in particular* by ensuring

*Amendment*

#### Article 2

**General** regulatory principles

1. Member States shall cooperate with each other and with the Commission in a transparent manner, in order to ensure the consistent application of the following general regulatory principles across the Union:

(a) encouraging efficient use of spectrum to best meet the increasing demand for use of frequencies, *reflecting the important social, cultural and economic value of spectrum;*

(b) applying the *most appropriate, non-discriminatory and* least onerous authorisation system possible in such a way as to maximise flexibility and efficiency in spectrum usage;

(c) guaranteeing the *development* of the internal market *and digital services* by ensuring effective competition, *a pan-European level playing field and by promoting the emergence of future pan-European services;*

(d) *promoting innovation;*

effective competition.

*(e) taking full account of the relevant Union law on effects on human health of electromagnetic field emissions when defining the technical conditions of the use of spectrum;*  
*(f) promoting technology and service neutrality in the use of the spectrum.*

#### Amendment 37

##### Proposal for a decision

##### Article 2 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*1a. For electronic communications, the following specific principles apply, in accordance with Articles 8a, 9 and 9b of Directive 2002/21/EC and with Decision No 676/2002/EC:*  
*(a) applying technology and service neutrality in the use of spectrum for electronic communications networks and services and the transfer or lease of individual rights to use radio frequencies;*  
*(b) promoting the harmonisation of use of radio frequencies across the Union, in a way that is consistent with the need to ensure effective and efficient use;*  
*(c) facilitating increased mobile data traffic and broadband services, in particular by fostering flexibility, and to promote innovation, taking account of the need to avoid harmful interference and ensure technical quality of service;*  
*(d) maintaining and developing effective competition by preventing, through ex ante or ex post measures, the excessive accumulation of radio frequencies which results in significant harm to competition.*

#### Amendment 38

##### Proposal for a decision

##### Article 3 – point a

*Text proposed by the Commission*

*Amendment*

(a) make sufficient appropriate spectrum *available in a timely manner* to support Union policy objectives;

(a) make sufficient *and* appropriate spectrum *allocated for mobile data traffic, amounting to at least 1200 MHz by 2015,*

*unless specified otherwise in the Radio Spectrum Policy Programme, to support Union policy objectives, to best meet the increasing demand for mobile data traffic, thereby allowing the development of commercial and public services, while taking into account important general interest objectives such as cultural diversity and media pluralism;*

#### **Amendment 39**

##### **Proposal for a decision Article 3 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) bridge the digital divide and realise the objectives of the Digital Agenda for Europe, ensuring that all Union citizens have access to broadband, not less than 30 Mbps by 2020 and making it possible for the Union to have the highest possible broadband speed and capacity;*

#### **Amendment 40**

##### **Proposal for a decision Article 3 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

*(ab) enable the Union to take the lead in wireless electronic communication broadband services by opening up sufficient additional spectrum in the most cost-efficient bands for these services to be widely available;*

#### **Amendment 41**

##### **Proposal for a decision Article 3 – point a c (new)**

*Text proposed by the Commission*

*Amendment*

*(ac) secure opportunities for both the commercial sector as well as public services by means of increased mobile broadband capacities;*

## Amendment 42

### 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 **a consistent** application **across the Union** of the principles of technology and service neutrality **so as to ensure a pan-European level playing field between the technological solutions that may be adopted and through adequate regulatory predictability**, the opening **up** of **harmonised** spectrum to new **advanced technologies**, and the possibility to trade spectrum rights, **thereby creating opportunities for future pan-European services to be developed**;

## Amendment 43

### Proposal for a decision

#### Article 3 – point c a (new)

*Text proposed by the Commission*

*Amendment*

**(ca) encourage passive infrastructure sharing where this would be proportionate and non-discriminatory, as envisaged in Article 12 of Directive 2002/21/EC;**

## Amendment 44

### Proposal for a decision

#### Article 3 – point d

*Text proposed by the Commission*

(d) maintain and develop effective competition, in particular in electronic communication services, by preventing ex ante, or remedying ex post, excessive accumulation of radio frequencies by certain economic operators which results in significant harm to competition;

*Amendment*

(d) maintain and develop effective competition, in particular in electronic communication services, by preventing ex ante, or remedying ex post, excessive accumulation of radio frequencies by certain economic operators which results in significant harm to competition **by means of withdrawal of frequency rights or other measures, or by assigning frequencies in**

*ways that correct market distortions;*

#### **Amendment 45**

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

##### **Article 3 – point e**

*Text proposed by the Commission*

(e) reduce the fragmentation of the internal market by enhancing coordination and harmonisation of technical conditions for the use and availability of spectrum, as appropriate, ***including the development of transnational services, and by promoting economies of scale at Union level;***

*Amendment*

(e) reduce the fragmentation ***and fully exploit the potential*** of the internal market ***in order to establish a pan-European level playing field in order to foster economic growth and economies of scope and scale at Union level*** by enhancing coordination and harmonisation of technical conditions for the use and availability of spectrum, as appropriate;

#### **Amendment 46**

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

##### **Article 3 – point g**

*Text proposed by the Commission*

(g) in defining the technical conditions for the allocation of spectrum, take full account of the results of research certified by the relevant international organisations into the potential effects on human health of electromagnetic field emissions.

*Amendment*

(g) in defining the technical conditions for the allocation of spectrum, take full account of the results of research certified by the relevant international organisations into the potential effects on human health of electromagnetic field emissions ***and apply them in a way that is technology and service neutral;***

#### **Amendment 47**

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

##### **Article 3 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(ga) ensuring the accessibility of new consumer products and technologies so as to secure consumer endorsement for the transition to digital technology and efficient use of the digital dividend;***

## Amendment 48

### Proposal for a decision Article 3 – point g b (new)

*Text proposed by the Commission*

*Amendment*

***(gb) reduce the Union's carbon footprint by enhancing the technical efficiency of wireless communication networks and applications.***

## Amendment 49

### Proposal for a decision Article 4 – paragraph 1

*Text proposed by the Commission*

*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), 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.

1. Member States shall adopt by 1 January 2013 authorisation and allocation measures ***that are similar to each other and*** 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, ***thereby allowing the highest possible capacity and broadband speeds to be achieved, as well as making effective competition possible.***

## Amendment 90

### Proposal for a decision Article 4 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Member States shall foster, in cooperation with the Commission, the collective use of spectrum as well as shared use of spectrum.

2. Member States shall foster, in cooperation with the Commission, the collective use of spectrum as well as shared ***and unlicensed*** use of spectrum. ***They shall also foster current and new***

*technologies such as geolocation databases and cognitive radio to develop for example in white spaces following a proper impact assessment. That impact assessment shall be issued within twelve months of the entry into force of this Decision.*

## Amendment 51

### Proposal for a decision

#### Article 4 – paragraph 3

*Text proposed by the Commission*

3. Member States and the Commission shall cooperate to develop and harmonise standards for radio equipment and telecommunications terminals as well as for electric and electronic equipment and networks based where necessary upon standardisation mandates from the Commission to the relevant standardisation bodies.

*Amendment*

3. Member States and the Commission shall cooperate to develop and harmonise standards for radio equipment and telecommunications terminals as well as for electric and electronic equipment and networks based where necessary upon standardisation mandates from the Commission to the relevant standardisation bodies. *Special attention shall also be given to standards for equipment to be used by disabled people, without, however, depriving them of the right to use non-standardised equipment if that is their preference. Efficient coordination of spectrum harmonisation and standardisation will be particularly important in this regard so that consumers can use appliances that depend on radio spectrum without restriction and throughout the internal market.*

## Amendment 52

### Proposal for a decision

#### Article 4 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

*3a. Member States shall intensify R&D on new technologies such as cognitive technologies as their development could represent an added-value in the future in terms of efficiency of spectrum use.*

## Amendment 53

### 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 ***competition and a pan-European level playing field***, investment and efficient use of spectrum ***as a public good, as well as co-existence between new and existing services and devices***. ***In addition, Member States shall promote the ongoing efficient use of spectrum for both networks and user applications.***

## Amendment 54

### Proposal for a decision Article 4 – paragraph 5

*Text proposed by the Commission*

5. In order to avoid possible fragmentation of the internal market due to divergent selection conditions and procedures for harmonised spectrum bands allocated to electronic communication services and made tradable in all Member States pursuant to Article 9b of Directive 2002/21/EC, the Commission, in cooperation with Member States, shall develop guidelines on authorisation conditions and procedures for such bands, ***in particular*** on infrastructure sharing and coverage conditions;

*Amendment*

5. In order to avoid possible fragmentation of the internal market due to divergent selection conditions and procedures for harmonised spectrum bands allocated to electronic communication services and made tradable in all Member States pursuant to Article 9b of Directive 2002/21/EC, the Commission, in cooperation with Member States ***and in accordance with the principle of subsidiarity***, shall ***identify best practices and encourage sharing of information for such bands and*** develop guidelines on authorisation conditions and procedures for such bands, ***for example*** on infrastructure sharing and coverage conditions, ***to ensure a pan-European level playing field, achieved through the principles of technology and service neutrality.***

## Amendment 55

### Proposal for a decision Article 4 – paragraph 6

*Text proposed by the Commission*

6. ***Whenever necessary*** in order to ensure the effective use of spectrum rights and avoid spectrum hoarding, Member States shall take appropriate measures including financial penalties ***or the*** withdrawal of rights.

*Amendment*

6. In order to ensure the effective use of spectrum rights and avoid spectrum hoarding, Member States shall, ***where necessary***, take appropriate measures including financial penalties, ***use of incentive fees tools and*** withdrawal of rights.

## Amendment 56

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

*Text proposed by the Commission*

*Amendment*

***6a. The measures that Member States are to adopt pursuant to paragraph 1 shall be taken in addition to the opening of the 900 MHz band in the near future, in line with the "GSM" Directive and in such a manner as to promote competition. Such measures shall be taken in a non-discriminatory manner and may not distort competition to the advantage of operators already dominant in the market.***

## Amendment 57

### 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*

1. Member States shall maintain and promote effective competition and avoid distortions of competition in ***both*** the internal market ***and specific national markets.***

## Amendment 58

### Proposal for a decision Article 5 – paragraph 2

*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 **fully** implement the obligations of paragraph 1, and in particular to ensure that competition is not distorted by any **assignment**, accumulation, transfer or modification of rights of use for radio frequencies, Member States **shall, prior to a planned spectrum assignment, carefully examine whether the assignment is likely to distort or reduce competition in the mobile markets concerned, taking into account existing spectrum rights held by relevant market operators. If the spectrum assignment is likely to distort or reduce competition, Member States shall adopt the most appropriate measures to promote effective competition, and at least one of the** following measures, which are without prejudice to the application of competition rules:

## Amendment 59

### Proposal for a decision Article 5 – paragraph 2 – point a

*Text proposed by the Commission*

(a) Member States may limit the amount of spectrum for which rights of use are granted to any **economic** operator or may attach conditions to such rights of use, such as the provision of wholesale access, in certain bands or in certain groups of bands with similar characteristics, for instance the bands below 1 GHz allocated to electronic communication services;

*Amendment*

(a) Member States may limit the amount of spectrum for which rights of use are granted to any operator or may attach conditions to such rights of use, such as the provision of wholesale access, **national or regional roaming**, in certain bands or in certain groups of bands with similar characteristics, for instance the bands below 1 GHz allocated to electronic communication services;

## Amendment 60

### Proposal for a decision Article 5 – paragraph 2 – point a a (new)

***(aa) Member States may reserve a certain part of a spectrum band or group of bands to be assigned to new entrants that have not previously been assigned any spectrum or that have been assigned considerably less spectrum to ensure a level playing field between early entrants to the mobile market and new entrants by securing access to lower spectrum bands on equal terms;***

## **Amendment 61**

### **Proposal for a decision**

#### **Article 5 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) Member States may refuse to grant new rights of use or to allow new spectrum usages in certain bands, or may attach conditions to the grant of new rights of use or to the authorisation of new spectrum usages, when this would lead to an accumulation of spectrum frequencies by certain economic operators ***which*** is likely to result in significant harm to competition;

*Amendment*

(b) Member States may refuse to grant new rights of use or to allow new spectrum usages in certain bands, or may attach conditions to the grant of new rights of use or to the authorisation of new spectrum usages, when this would lead to an accumulation of spectrum frequencies by certain economic operators, ***in cases where such accumulation*** is likely to result in significant harm to competition;

## **Amendment 62**

### **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 ***significantly harms*** competition.

*Amendment*

(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 ***is likely to distort*** competition.

## Amendment 63

### Proposal for a decision Article 5 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Where Member States wish to adopt any such measures as are referred to in paragraph 2, they shall do so by imposing conditions in conformity with the procedures for the imposition or variation of such conditions on the rights to use spectrum laid down in Directive 2002/20/EC.***

## Amendment 64

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

*Text proposed by the Commission*

*Amendment*

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

3. Member States shall ensure that authorisation and selection procedures avoid delays, ***are non-discriminatory*** and promote effective competition ***by preventing any potential anti-competitive outcomes, for the benefit of EU citizens and consumers.***

## Amendment 65

### Proposal for a decision Article 6 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Without prejudice to the principles of service and technology neutrality, Member States, in cooperation with the Commission, shall take all steps necessary to ensure that sufficient spectrum for coverage and capacity purposes is allocated within the Union, in order to ensure that wireless applications contribute effectively to achieving the target for all citizens to have access to broadband ***of a speed of at least*** 30 Mbps by 2020.

1. Without prejudice to the principles of service and technology neutrality, Member States, in cooperation with the Commission, shall take all steps necessary to ensure that sufficient ***harmonised*** spectrum for coverage and capacity purposes is allocated within the Union, ***enabling the Union to have the fastest broadband speed in the world*** in order to ensure that wireless applications ***and European leadership in new services*** contribute effectively to ***economic growth***, achieving the target for all citizens to have access to broadband ***speeds of not less***

*than* 30 Mbps by 2020.

## Amendment 66

### Proposal for a decision

#### Article 6 – paragraph 2

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

2. Member States shall, by 1 January 2012, **authorise the use of all the spectrum** designated by Commission Decisions 2008/477/EC (2.5–2.69 GHz), 2008/411/EC (3.4–3.8 GHz) and 2009/766/EC (900/1800 MHz), **under conditions that provide consumers with easy access** to wireless broadband services.

##### *Amendment*

2. Member States shall, by 1 January 2012, **make the bands** designated by Commission Decisions 2008/477/EC (2.5–2.69 GHz)<sup>1</sup>, 2008/411/EC (3.4–3.8 GHz)<sup>2</sup> and 2009/766/EC (900/1800 MHz)<sup>3</sup>, **available, in order to promote wider availability of wireless broadband services for the benefit of EU citizens and consumers, without prejudice to the existing and future deployment of other services that have equal access to this spectrum under the conditions specified in those Commission Decisions.**

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<sup>1</sup> OJ L 163, 24.6.2008, p. 37.

<sup>2</sup> OJ L 144, 4.6.2008, p. 77.

<sup>3</sup> OJ L 274, 20.10.2009, p. 32.

## Amendment 67

### Proposal for a decision

#### Article 6 – paragraph 2 a (new)

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

##### *Amendment*

**2a. Member States shall promote the ongoing upgrade by providers of electronic communications of their networks to the latest, most efficient technology, in order to create their own dividends.**

## Amendment 68

### 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 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 exceptional cases duly justified for technical and historical reasons,*** the Commission may authorise specific derogations until ***the end of 2015 in response to a duly motivated application from the Member State concerned. If cross-border frequency coordination problems with one or more third countries further prevent the availability of the band, the Commission may authorise exceptional annual derogations until such obstacles are removed.*** 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.

## Amendment 69

### Proposal for a decision Article 6 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. The Commission is invited to take action, in cooperation with Member States, at the appropriate levels to achieve further harmonisation and a more efficient use of the 1.5 GHz band (1452-1492 MHz) and the 2.3 GHz band (2300-2400 MHz) for wireless broadband services.***  
***The Commission shall continuously monitor the capacity requirements for wireless broadband services and, in cooperation with Member States, assess, no***

*later than 1 January 2015, the need for action to harmonise additional spectrum bands, such as the 700 MHz band (694-790 MHz). This assessment shall take into account the evolution of spectrum technologies, market experiences with new services, the possible future needs of terrestrial radio and television broadcasting and the lack of spectrum in other bands adequate for wireless broadband coverage.*

*Member States may ensure that, where appropriate, the direct cost of migration or reallocation of spectrum usage is adequately compensated in accordance with national law.*

## Amendment 70

### 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. **The Commission**, in cooperation with **Member States**, shall ensure that the provision of access to broadband services using the 790-862 MHz (800MHz) band is encouraged in sparsely populated areas, **for example** through coverage obligations **achieved in accordance with the principles of technology and service neutrality**.

**Member States, in cooperation with the Commission**, shall examine ways and, where **appropriate**, take **technical and regulatory** measures to ensure that the freeing of the 800 MHz band does not adversely affect programme making and special events (PMSE) users.

## Amendment 71

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

*Text proposed by the Commission*

*Amendment*

***4a. The Commission shall, in cooperation with Member States, assess the feasibility of extending the allocations of unlicensed spectrum for wireless access systems including radio local area networks established by Decision 2005/513/EC<sup>1</sup> to the entire 5GHz band.***

***The Commission is invited to pursue the adopted harmonisation agenda at the relevant international fora, notably the ITU World Radiocommunication Conferences.***

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<sup>1</sup> OJ L 187, 19.7.2005, p. 22.

## Amendment 72

### Proposal for a decision Article 6 – paragraph 5

*Text proposed by the Commission*

*Amendment*

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.

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 ***and in other additional parts of the spectrum freed up for mobile services, without prejudice to the existing and future deployment of other services that have equal access to this spectrum under the conditions specified in the Commission decisions adopted pursuant to Decision No 676/2002/EC.***

## Amendment 73

**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. ***In order to ensure that all citizens have access to advanced digital services including broadband, in particular in remote and sparsely populated areas, Member States and the Commission may explore*** the availability of ***sufficient*** spectrum for the provision of ***broadband*** satellite services enabling Internet access.

**Amendment 92**

**Proposal for a decision**  
**Article 6 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. Member States, in cooperation with the Commission, shall examine the possibility of spreading the availability and use of picocells and femtocells. They shall take full account of the potential of those cellular base stations and of shared and unlicensed use of spectrum to provide the basis for wireless mesh networks, which can play a key role in bridging the digital divide.***

**Amendment 75**

**Proposal for a decision**  
**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 6 a***

***Spectrum needs for other wireless communication policies***

***In order to support the further development of innovative audiovisual media and other services to European citizens, taking into account the economic and social benefits of a digital single market, Member States, in cooperation with the Commission, shall ensure***

*sufficient spectrum availability for satellite and terrestrial provision of such services.*

## Amendment 76

### Proposal for a decision

#### Article 7 – title

*Text proposed by the Commission*

Spectrum needs for specific Union policies

*Amendment*

Spectrum needs for **other** specific Union policies

## Amendment 77

### Proposal for a decision

#### Article 7 – paragraph 2

*Text proposed by the Commission*

2. In cooperation with the Member States, the Commission shall conduct studies and examine the possibility to design authorisation schemes which would contribute to a low-carbon policy, by saving energy in the use of spectrum as well as by making spectrum available for wireless technologies with a potential for improving energy *saving*, including smart energy grids and smart metering systems.

*Amendment*

2. In cooperation with the Member States, the Commission shall conduct studies and examine the possibility to design authorisation schemes which would contribute to a low-carbon policy, by saving energy in the use of spectrum as well as by making spectrum available for wireless technologies with a potential for improving energy *savings and efficiency of other distribution networks such as water supply*, including smart energy grids and smart metering systems.

## Amendment 78

### 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. **The** Commission shall ensure that sufficient spectrum is made available under harmonised conditions **and in harmonised bands for PPDR and to take actions** to support the development of safety services and the free circulation of related devices as well as the development of innovative interoperable solutions for **PPDR. To ensure the efficient use of spectrum, the Commission shall examine the possibility**

## **Amendment 79**

### **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 the least onerous administrative burden.

*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 conditions and the least onerous administrative burden.

## **Amendment 80**

### **Proposal for a decision Article 7 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Member States shall, in cooperation with the Commission, seek to find a minimum set of harmonised core bands for programme making and special events (PMSE) in the Union, according to the Union's objectives to improve the integration of the internal market and access to culture. These harmonised bands shall be of the frequency 1GHz or higher.***

## **Amendment 81**

### **Proposal for a decision Article 7 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4b. Member States and the Commission shall ensure spectrum availability for radio-frequency identification (RFID)***

*and other Internet of Things (IOT) wireless communication technologies and shall work towards standardisation of spectrum allocation for IOT communication across Member States.*

## Amendment 82

### 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. The Commission *shall create an inventory of the entire existing radio spectrum use, for which purpose Member States* shall provide all *necessary factual data*.

*The information provided by the Member States shall be sufficiently detailed to allow for the inventory to assess the efficiency of the spectrum use as well as identify possible future opportunities for spectrum harmonisation in order to support Union policies. As an initial step, the inventory shall include frequencies in the range from 300 MHz to 6 GHz, to be followed by frequencies from 6 GHz up to 70 GHz. If necessary, the Member States shall supply information on a licence-specific basis both including commercial and public sector users without prejudice to the withholding of business-sensitive and confidential information.*

## Amendment 83

### 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

*Amendment*

2. The inventory referred to in paragraph 1 shall, *on the basis of clearly defined and transparent criteria and methods*, allow the assessment of the technical efficiency of existing spectrum uses and the identification of inefficient technologies

sharing opportunities. It shall take into account future needs for spectrum based on consumers' and operators' demands, and of the possibility to meet such needs.

and applications, unused or inefficiently used spectrum and spectrum sharing opportunities, ***based on transparent, clear and jointly defined assessment criteria and methodologies. It shall also ensure that, where spectrum use is not optimal, the necessary measures are taken in order to maximise efficiency.*** It shall take into account future needs, ***including long-term needs***, for spectrum based on consumers', ***communities', businesses'*** and operators' demands, and of the possibility to meet such needs.

#### Amendment 84

##### Proposal for a decision

##### Article 8 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. The inventory shall also include a report of the measures taken by the Member States in order to implement decisions at Union level regarding the harmonisation and use of the specific frequency bands.***

#### Amendment 85

##### 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.

1. The Union shall participate in international negotiations relating to spectrum matters to defend its interests ***and to ensure the Union has a single position***, acting in accordance with Union law concerning, among other things, the principles of internal and external competences of the Union.

#### Amendment 86

##### Proposal for a decision

##### Article 9 – paragraph 3

*Text proposed by the Commission*

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.

*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 ***the implementation of*** Union sectoral policies.

**Amendment 87**

**Proposal for a decision**

**Article 9 – paragraph 4**

*Text proposed by the Commission*

4. ***The*** Union shall ***provide, upon request,*** political and technical support ***to Member States*** in their bilateral negotiations with non-Union neighbouring countries including candidate and acceding countries, ***to resolve spectrum coordination issues that prevent Member States from implementing their obligations under Union law regarding spectrum policy and management.*** The Union shall also support efforts by third countries to implement spectrum management that is compatible with that of the Union, so as to safeguard Union spectrum policy objectives.

*Amendment*

4. ***In order to resolve spectrum coordination issues that would otherwise prevent Member States from implementing their obligations under Union law regarding spectrum policy and management, the*** Union shall ***assist Member States with*** political and technical support in their bilateral ***and multilateral*** negotiations with ***third countries, in particular*** non-Union neighbouring countries including candidate and acceding countries. The Union shall also support efforts by third countries to implement spectrum management that is compatible with that of the Union, so as to safeguard Union spectrum policy objectives.

**Amendment 88**

**Proposal for a decision**

**Article 12**

*Text proposed by the Commission*

By 31 December 2015, the Commission shall conduct a review of the application of this radio spectrum policy programme ***and*** report to the European Parliament and the Council on the activities developed and the measures adopted pursuant to this Decision.

*Amendment*

By 31 December 2015, the Commission shall conduct a review of the application of this radio spectrum policy programme. ***The Commission shall*** report ***annually*** to the European Parliament and the Council on the activities developed and the measures adopted pursuant to this Decision.