



EUROPEAN PARLIAMENT

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**A7-0019/2012**

27.1.2012

**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the Council position at first reading with a view to the adoption of a decision of the European Parliament and of the Council establishing a multi-annual radio spectrum policy programme  
(16226/1/2011 – C7-0012/2012 – 2010/0252(COD))

Committee on Industry, Research and Energy

Rapporteur: Gunnar Hökmark

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	6
PROCEDURE.....	10



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Council position at first reading with a view to the adoption of a decision of the European Parliament and of the Council establishing a multi-annual radio spectrum policy programme  
(16226/1/2011 – C7-0012/2012 – 2010/0252(COD))**

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

*The European Parliament,*

- having regard to the Council position at first reading (16226/1/2011 – C7-0012/2012),
  - having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,
  - after consulting the Committee of the Regions,
  - having regard to its position at first reading<sup>2</sup> on the Commission proposal to Parliament and the Council (COM(2010)0471),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 72 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Industry, Research and Energy (A7-0019/2012),
1. Approves the Council position at first reading;
  2. Notes that the act is adopted in accordance with the Council position;
  3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
  5. 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.

<sup>2</sup> Texts adopted of 11.5.2011, P7\_TA(2011)0220.

## EXPLANATORY STATEMENT

On 20 September 2010, the European Commission submitted a proposal for a decision establishing the first radio spectrum policy programme with, as legal basis, Article 114 of the Treaty on the Functioning of the European Union (TFEU) and on the basis of Article 8a(3) of the Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 which provides that the Commission may submit a legislative proposal establishing a multiannual radio spectrum policy programme.

This proposal set out policy orientations and objectives for the strategic planning and harmonisation of the use of spectrum until 2015.

### **European Parliament position during the 1st Reading**

The European Parliament adopted its opinion in first reading on 11 May 2011 with 615 votes in favour, 26 against and 16 abstentions approving 88 amendments to the Commission's proposal.

The main changes introduced by the European Parliament were:

- Making the 800 MHz available for electronic communications services in all EU Member States by 1 January 2013, with derogations only allowed in exceptional cases justified for technical and historical reasons.
- Ensuring that sufficient and appropriate spectrum is allocated for wireless services, amounting to at least 1200 MHz by 2015.
- Harmonising and opening up the use of the 1.5 GHz band and the 2.3 GHz band for wireless broadband services, as well as asking the Commission to assess, no later than 1 January 2015, the need for action to harmonize additional spectrum bands such as the 700MHz band (694-790 MHz).
- Extending the allocations of the unlicensed spectrum to allow for greater use of WiFi.
- The realisation of the objectives of the Digital Agenda for Europe, ensuring that all Union citizens have access to broadband, not less than 30 Mbps by 2020.
- The reinforcing of the regulatory principles across the Union by ensuring a pan-European level playing field and by promoting the emergence of future pan-European services.
- Avoiding market distortion by, prior to a planned spectrum assignment, carefully examine whether the assignment is likely to distort or reduce competition, taking into account existing spectrum rights by relevant market operators.

- Extending the inventory of the entire existing radio spectrum to include frequencies in the range from 300 MHz to 6 GHz followed by frequencies from 6 GHz up to 70 GHz.
- Ensuring that the Union has a single position in international negotiations relating to spectrum matters.

### **European Parliament 2nd Reading**

On 24 October 2011, after five informal trilogues, the European Parliament and the Council of the EU reached a political agreement on the legislative proposal.

The main achievements were:

- The freeing up of the 800 MHz frequency band for wireless broadband internet services in all Member States by 1 January 2013.
- Speeding up the development of mobile broadband of at least 30 Mbps by 2020 for all EU citizens, bridging therefore the digital dividend and contributing to the objectives of the Digital Agenda for Europe.
- Allocating at least 1200 MHz of spectrum to mobile data traffic by 2015.
- The creation of an inventory with a very large scope of the existing use of spectrum from 400MHz to 6 GHz to create a flexible and coordinated European spectrum policy.
- The Commission shall assess and report by no later than 1 January 2015 whether there is a need for action to harmonise additional spectrum bands.
- The Commission shall, in cooperation with Member States, assess the justification and feasibility of extending the allocations of unlicensed spectrum for wireless access systems, including radio local area networks to open up for more use of for example WiFi.
- The Union shall, upon request, assist Member States with legal, political and technical support to resolve spectrum coordination issues with Union neighbouring countries, including candidate and acceding countries.

This political agreement will pave the way for a development that will allow the EU to take the global lead on broadband speeds, mobility, coverage and capacity. It will be a crucial building block in creating a flexible and coordinated European spectrum policy where the exponential growth of mobile data traffic can be met by future re-allocations and where inefficient use of spectrum belongs to the past. The endorsement by Member States of the Parliament's and Commission's proposal to open up the 800MHz band for electronic communications services by 1 January 2013 will help to create a pan-European

telecommunications market where new services can create opportunities and growth for a 500 million consumer market.

The Decision shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union. Member States shall apply the policy orientations and objectives set out in this Decision by 1 July 2015 unless otherwise specified.

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

### **Conclusions**

The Council's common position, adopted on 13 December 2011 and officially transmitted to the European Parliament on 19 January 2012, is based on the agreement reached on 24 October 2011 between the European Parliament and the Council.





## PROCEDURE

<b>Title</b>	Radio spectrum policy
<b>References</b>	16226/1/2011 – C7-0012/2012 – 2010/0252(COD)
<b>Date of Parliament's first reading – P number</b>	11.5.2011                      T7-0220/2011
<b>Commission proposal</b>	COM(2010)0471 - C7-0270/2010
<b>Receipt of Council position at first reading announced in plenary</b>	19.1.2012
<b>Committee responsible</b> Date announced in plenary	ITRE 19.1.2012
<b>Date adopted</b>	25.1.2012
<b>Result of final vote</b>	+:                      52 -:                      0 0:                      0
<b>Members present for the final vote</b>	Gabriele Albertini, Amelia Andersdotter, Zigmantas Balčytis, Ivo Belet, Bendt Bendtsen, Jan Březina, Reinhard Bütikofer, Maria Da Graça Carvalho, Giles Chichester, Jürgen Creutzmann, Pilar del Castillo Vera, Dimitrios Droutsas, Christian Ehler, Vicky Ford, Gaston Franco, Adam Gierek, Norbert Glante, Robert Goebbels, András Gyürk, Fiona Hall, Jacky Hénin, Kent Johansson, Krišjānis Kariņš, Lena Kolarska-Bobińska, Philippe Lamberts, Bogdan Kazimierz Marcinkiewicz, Angelika Niebler, Jaroslav Paška, Vittorio Prodi, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Jens Rohde, Paul Rübig, Amalia Sartori, Salvador Sedó i Alabart, Francisco Sosa Wagner, Konrad Szymański, Britta Thomsen, Evžen Tošenovský, Ioannis A. Tsoukalas, Claude Turmes, Vladimir Urutchev, Adina-Ioana Vălean, Alejo Vidal-Quadras
<b>Substitute(s) present for the final vote</b>	Francesco De Angelis, Gunnar Hökmark, Seán Kelly, Vladko Todorov Panayotov, Mario Pirillo, Vladimír Remek, Silvia-Adriana Țicău
<b>Date tabled</b>	27.1.2012