

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Decision	2000/0187(COD) Procedure completed
Radiocommunications, broadcasting, transport: radio spectrum, regulatory framework	
Subject 3.20 Transport policy in general 3.30.04 Radiocommunications, broadcasting 3.50.01.05 Research specific areas	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ITRE</b> Industry, External Trade, Research, Energy		13/09/2000
		PPE-DE <a href="#">NIEBLER Angelika</a>	
	Former committee responsible		
	<b>ITRE</b> Industry, External Trade, Research, Energy		13/09/2000
		PPE-DE <a href="#">NIEBLER Angelika</a>	
	Former committee for opinion		
	<b>BUDG</b> Budgets	The committee decided not to give an opinion.	
	<b>EMPL</b> Employment and Social Affairs	The committee decided not to give an opinion.	
	<b>RETT</b> Regional Policy, Transport and Tourism		11/10/2000
	ELDR <a href="#">POHJAMO Samuli</a>		
<b>CULT</b> Culture, Youth, Education, Media and Sport		10/10/2000	
	PSE <a href="#">JUNKER Karin</a>		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Education, Youth, Culture and Sport</a>	<a href="#">2408</a>	14/02/2002
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2395</a>	06/12/2001
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2374</a>	15/10/2001
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2364</a>	27/06/2001
	Telecommunications	<a href="#">2325</a>	22/12/2000
	Telecommunications	<a href="#">2293</a>	03/10/2000
European Commission	Commission DG	Commissioner	
	<a href="#">Communications Networks, Content and Technology</a>		

Key events			
17/07/2000	Legislative proposal published	COM(2000)0407	Summary
20/09/2000	Committee referral announced in Parliament, 1st reading		
03/10/2000	Debate in Council	<a href="#">2293</a>	
22/12/2000	Debate in Council	<a href="#">2325</a>	
20/06/2001	Vote in committee, 1st reading		Summary
20/06/2001	Committee report tabled for plenary, 1st reading	<a href="#">A5-0232/2001</a>	
27/06/2001	Debate in Council	<a href="#">2364</a>	
03/07/2001	Debate in Parliament		
05/07/2001	Decision by Parliament, 1st reading	<a href="#">T5-0393/2001</a>	Summary
18/09/2001	Modified legislative proposal published	COM(2001)0524	Summary
15/10/2001	Council position published	<a href="#">12170/1/2001</a>	Summary
25/10/2001	Committee referral announced in Parliament, 2nd reading		
27/11/2001	Vote in committee, 2nd reading		Summary
27/11/2001	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A5-0432/2001</a>	
06/12/2001	Debate in Council	<a href="#">2395</a>	
10/12/2001	Debate in Parliament		
12/12/2001	Decision by Parliament, 2nd reading	<a href="#">T5-0680/2001</a>	Summary
14/02/2002	Act approved by Council, 2nd reading		
07/03/2002	Final act signed		
07/03/2002	End of procedure in Parliament		
24/04/2002	Final act published in Official Journal		

Technical information	
Procedure reference	2000/0187(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/5/14944

Documentation gateway					
Legislative proposal		COM(2000)0407	17/07/2000	EC	Summary

		<a href="#">OJ C 365 19.12.2000, p. 0256 E</a>			
Economic and Social Committee: opinion, report		<a href="#">CES0051/2001</a> <a href="#">OJ C 123 25.04.2001, p. 0061</a>	25/01/2001	ESC	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0232/2001</a>	20/06/2001	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0393/2001</a> OJ C 065 14.03.2002, p. 0174-0293 E	05/07/2001	EP	Summary
Modified legislative proposal		COM(2001)0524 OJ C 025 29.01.2002, p. 0468 E	18/09/2001	EC	Summary
Council position		<a href="#">12170/1/2001</a> <a href="#">OJ C 004 11.01.2002, p. 0007-0016</a>	15/10/2001	CSL	Summary
Commission communication on Council's position		SEC(2001)1655	19/10/2001	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A5-0432/2001</a>	27/11/2001	EP	
Text adopted by Parliament, 2nd reading		<a href="#">T5-0680/2001</a> <a href="#">OJ C 177 25.07.2002, p. 0083-0157 E</a>	12/12/2001	EP	Summary
Commission opinion on Parliament's position at 2nd reading		<a href="#">COM(2002)0065</a>	07/02/2002	EC	Summary
Follow-up document		<a href="#">COM(2003)0183</a>	14/04/2003	EC	Summary
Follow-up document		<a href="#">COM(2004)0507</a>	20/07/2004	EC	Summary
Document attached to the procedure		<a href="#">COM(2005)0411</a>	06/09/2005	EC	Summary
Follow-up document		C(2009)10029	16/12/2009	EC	

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Decision 2002/676](#)  
[OJ L 108 24.04.2002, p. 0001-0006](#) Summary

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

**PURPOSE** : to present a proposal for a Decision of the European Parliament and of the Council on a regulatory framework for radio spectrum policy in the European Community. **CONTENT** : this proposal seeks to complement the spectrum management activities of the International Telecommunications Union/World Radiocommunications Conference (ITU/WRC) and the European Conference of Postal and Telecommunications administrations (CEPT) and of the Member States. The purpose of this proposal for a Decision is to create a policy framework to advise the Commission on market, technological and international developments impacting on the use of radio spectrum in the areas of communications, broadcasting, transport and R&D Community policies. The main objectives of the proposal are to: - to create a senior Official Spectrum Policy Group which should advise the Commission on the need to harmonise the use of radio spectrum in relevant Community policy areas; - to provide for a legal Community framework to ensure effective implementation of radio spectrum with the assistance of a Radio Spectrum Committee; - to ensure coordinated and timely provision of information on radio spectrum use and availability in the Community; - and to safeguard Community interest in international trade and radiocommunications negotiations.?

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

The committee adopted the report by Angelica NIEBLER (EPP-ED, D) amending the proposal under the codecision procedure (1st reading). The committee was opposed to the wholesale transfer of decision-making powers from the political level (Council and Parliament) to the

administrative level (Commission). It said that even though the technical implementing measures could be adopted by the Commission, assisted by a Radio Spectrum Committee, all legislative proposals should be made in accordance with the codecision procedure, to ensure political accountability. A number of other amendments were aimed at ensuring that Parliament was kept properly informed. The committee also emphasised that the proposal should be confined to harmonising only those areas of radio spectrum policy where Community interests were affected, and that otherwise the Member States should determine radio spectrum policy themselves. Lastly, the report pointed out that the transport sector was entirely dependent on radio communications and that sufficient attention should be given to the requirements of this sector when planning radio spectrum use.?

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

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The European Parliament adopted Mrs Angelika NIEBLERS's (EPP-ED, D) resolution on the proposal for a decision on regulatory framework for radio spectrum policy. The decision, would among other things, establish a general methodology for harmonisation of the use of radio spectrum in the EU. (Please refer to the previous text). Moreover, the Parliament also points out that the radio spectrum policy in the Community must guarantee the freedom of expression without interference by the public authorities. It also emphasises the regional aspects of the use of radio spectrum and wants to ensure that the different circumstances that prevail in different parts of the EU are taken into account. ?

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

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

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

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

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

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The Commission accepts the common position reached by the Council. The Council supports the main principle underlying the proposal, namely that, where Parliament and Council have agreed on a Community policy that depends on radio spectrum, comitology procedures shall be used for the adoption of technical harmonisation measures necessary for the implementation of such policy. Where it is necessary to adopt harmonisation measures that cannot be considered as technical implementing measures, the Commission shall present to the European Parliament and to the Council a legislative proposal on the basis of the Treaty. The Council has deleted recitals and added new ones: - radio

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

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

The committee adopted the report by Angelika NIEBLER (EPP-ED, D) amending the Council's common position under the codecision procedure (2nd reading). The committee felt that, while the Commission should be authorised to grant mandates to spectrum management bodies, Parliament should be consulted about any technical implementation measures which the Commission intended to adopt. The committee also wanted it to be clearly stated in the proposal that the Member States had the right to determine radio spectrum policy themselves, where Community policy which depended on radio spectrum was not affected. ?

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

The European Parliament approved the second recommendation by Mrs Angelika NIEBLER (EPP-ED, D) on radio spectrum policy. (Please refer to the previous text).?

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

The Commission can accept the two amendments proposed by Parliament at second reading in their entirety and has modified the text accordingly. The two amendments refer to harmonisation of Community policy on radio spectrum and the introduction of a new Recital providing that any new Community policy initiative relating to radio spectrum shall be agreed by the Parliament and Council, as appropriate, on the basis of a proposal from the Commission.?

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

PURPOSE : to create a policy and legal framework in order to ensure coordination of policy approaches and, where appropriate, harmonised conditions with regard to the availability and efficient use of radio spectrum necessary for the establishment and functioning of the internal market in Community policy areas such as electronic communications, transport and R&D. COMMUNITY MEASURE : Decision 676/2002/EC of the European Parliament and of the Council on a regulatory framework for radio spectrum policy in the European Community (Radio spectrum Decision.) CONTENT : This Decision establishes procedures in order to: -facilitate policy making with regard to the strategic planning and harmonisation of the use of radio spectrum in the Community taking into consideration, inter alia, the economic, safety, health, public interest, freedom of expression, cultural, scientific, social and technical aspects of Community policies as well as the various interests of radio spectrum user communities with the aim of optimising the use of radio spectrum and of avoiding harmful interference; -ensure the effective implementation of radio spectrum policy in the Community and, in particular, establish a general methodology to ensure harmonised conditions for the availability and efficient use of radio spectrum; -ensure the coordinated provision of information concerning the allocation, availability and use of radio spectrum; -ensure the effective coordination of Community interests in international negotiations where radio spectrum use affects Community policies. Due account must be taken of the work of international organisations related to radio spectrum management, i.e. International Telecommunications Union and the European Conference of Postal and Telecommunications Administrations (CEPT). "Radio spectrum" includes radio waves in frequencies between 9 kHz and 3000 GHz. The Commission will be assisted by the Radio Spectrum Committee. For the development of technical implementing measures which fall within the remit of the CEPT, such as the harmonisation of radio frequency allocation, the Commission will issue mandates to the CEPT, setting out the tasks and the timetable, but it may adopt its own measures to achieve the objectives if the CEPT's work is not judged to be satisfactory. ENTRY INTO FORCE : 24/04/02.?

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

PURPOSE : to set out the EU's position at the forthcoming World Radio Communication Conference 2003 (WRC-03). CONTENT : since the entry into force of the Radio Spectrum Decision in 2002, the European Commission will participate at the World Radio Communication Conference as a non-voting delegate. The WTC is organised every three years by the International Telecommunications Union, a United Nations agency. As the Communication notes the WRC-03, to be held this summer in Geneva, will be the end of a process of preparation began immediately following the last WRC in Istanbul in 2000. The purpose of this Communication is to clarify the various agenda items open for negotiation linked to Community policy objectives. The Commission calls upon Member States as negotiating parties to support these positions during the forthcoming negotiations at the WRC-03. During previous WRC conferences new commercial satellite and terrestrial mobile systems urgently required sufficient globally harmonised spectrum in order to operate effectively. The upcoming conference is deemed to be less "crucial". Nevertheless a number of issues remain outstanding for which the Commission will be pushing the case for Europe. Matters of interest include, for example, the increasing importance of spectrum. The economic contribution of radio-based industries to the

EU's economy has grown strongly in recent years most notably via the development of commercial mobile communications, such as GSM and of broadcasting networks. Similarly, there is increasing frustration with the spectrum "bottleneck". Since useful spectrum is essentially "full" spectrum management both internationally and nationally is about making choices and in particular the difficult balance to be struck between encouraging new innovative application whilst at the same time protection existing services. The Commission recognises that negotiations during WRC-03 are dynamic. Nevertheless, it urges national delegates to bear Community objectives in mind during the on-going discussions. They are: - the promotion of competition between alternative infrastructure platforms; - the consolidation of the single market (support for harmonisation); - the removal of technical barriers to international trade and - the basic principles of EC electronic communications regulation. Those EU policies related to matters discussed at WRC-03 include the Communities work on the information society, audiovisual policy, transport, civil protection coordination, the single European space and RT&D issues. The priorities for the Community at WRC-03 thus are: - protecting the allocations gained in WRC-2000 by IMT-2000 and GALILEO, relating to Information Society as well as to transport policy objectives (satellite radio navigation); - making progress towards regionally and globally harmonised frequencies for PPDR (Public Protection and Disaster Relief) systems relating to the Community policy in this field. - supporting the establishment of alternative wireless infrastructure platforms, in order to increase competition for the benefit of the consumer, as explained in the eEurope framework. In this context, a globally-harmonised status for RLANs in the bands identified by Europe is essential. Lastly, the Commission urges the agenda for WRC-07 be streamlined whilst at the same time ensuring that European sensitive matters remain. They include harmonised allocations for passive science services (EESS, SRS and RA) above 275GHz, for aeronautical uses, and for public protection.?

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

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This Communication constitutes the first report on activities undertaken under the Radio

Spectrum Decision (RSD). It informs the Council and European Parliament about the activities undertaken

to date pursuant to the Radio Spectrum Decision and seeks their support for the policy perspectives for future action.

The report describes past and future actions and challenges related to the implementation of a successful Community policy in this area. The RSD has established a policy and legal framework in the Community to coordinate policy approaches and, where appropriate, harmonise conditions for the availability and efficient use of the radio spectrum necessary for the establishment and functioning of the internal market in Community policy areas.

The Commission counts on the essential contribution of other actors such as CEPT, standardisation bodies like ETSI, and the Member States to make this process work.

Two different platforms have been established for the spectrum policy mechanism:

- Radio Spectrum Committee (RSC);
- Radio Spectrum Policy Group (RSPG).

Mandates have been issued to CEPT to develop harmonised technical solutions for specific issues in line with Community objectives and policies.

The successful achievement of the RSD's aims will depend on the active cooperation by all relevant actors and concurrence of various elements:

- CEPT should continue to support the implementation of the RSD, notably by delivering in a timely manner results in line with Community policy objectives, so that they can be transposed into Commission decisions.
- The mechanisms to prepare and adopt Commission decisions under the RSD should be sufficiently flexible and responsive to rapidly-evolving societal needs and wireless technologies.
- The political will to improve co-ordination of radio spectrum policies between Member States, via the RSPG, should be sufficiently strong to deliver actionable recommendations on such issues.
- Proper synergy and timing coordination between RSPG policy initiatives, RSC implementing measures and other Community activities must be ensured.

The long-term ability of this policy to meet its objectives and to deliver benefits to European citizens depends on effective cooperation between all actors concerned, i.e. the Commission, Member States at the policy and technical levels and the European Parliament. These instances have agreed on a policy framework to support the timely introduction of innovative wireless applications, while balancing the current and future needs of different sectors, including public services.

Effective spectrum regulation is a fundamental requirement for an information-based modern society, enabling citizens to benefit from a wide choice of new applications and industry to increase its productivity via technological innovation. A continuous analysis and reform of spectrum management is required to make best use of this resource. Given Europe's leadership and interest in wireless applications, this is a task which needs to be taken up in full awareness of the issues at stake.