

Proposal for a Council Decision on the implementation by the Member States of measures concerning radio frequencies

(93/C 266/03)

COM(93) 382 final

(Submitted by the Commission on 10 September 1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal by the Commission,

Having regard to the opinion of the European Parliament,

Whereas on 28 June 1990 the Council adopted a resolution on the strengthening of the Europe-wide cooperation on radio frequencies, in particular with regard to services with a pan-European dimension⁽¹⁾;

Whereas on 19 November 1992 the Council adopted a resolution on the implementation in the Community of the European Radiocommunications Committee decisions⁽²⁾;

Whereas the Commission has submitted to the Council a communication relating to a new approach to be adopted by the Community and its Member States in the field of radio frequencies;

Whereas this communication is based on the concept that, in this area, the adoption of Community legislation is not dictated by Community interests, in so far as the measures taken by the competent international organizations meet the needs of the Community and its Member States;

Whereas the Community needs to be able to take part in the activities of all the international organizations and conferences working in the field of radiocommunications; whereas, therefore, the Member States are urged to support the Community's request that it be accorded an appropriate status within these organizations and conferences;

Whereas, however, the Commission has, in particular, established the necessary working relations with the European Radiocommunications Committee and the European Radiocommunications Office; whereas the Community has the status of adviser within the Committee; whereas, to the extent that its Member States pursue common measures within this framework, the Community is in a position to take decisions on the coordinated and consistent implementation by the Member States of the measures adopted;

Whereas the European Radiocommunications Committee should ensure that the opinions from service

providers, industry, users and standards bodies in researching the frequencies best suited for future applications are fully taken into account;

Whereas the European Standards Bodies may need the ERC to specify the requirements related to the effective use of the radio frequency spectrum as defined in Article 4 (e) of Directive 91/263/EEC⁽³⁾;

Whereas, with a view to ensuring that the Member States pursue common measures within this framework, the Council will draw up each year, acting on a proposal from the Commission, guidelines for the priority sectors corresponding to the needs of the Community and its Member States;

Whereas in the framework of cooperation between the Commission, on the one hand, and the European Radiocommunications Committee and the European Radiocommunications Office, on the other, the Commission will allocate specific tasks to the European Radiocommunications Office so as to enable it to carry out the technical work needed to identify the appropriate frequency bands in these sectors;

Whereas, if the measures adopted by the European Radiocommunications Committee and the European Radiocommunications Office are consistent with the Community's interests, there is no need therefore, for separate Community legislation containing similar provisions, provided that steps are taken to ensure that the Member States bring into force, in a uniform manner, the measures thus adopted within the periods specified;

Whereas a review should be carried out, after an experimental period, of the functioning of the procedure laid down pursuant to this Decision and of the results obtained both as regards relations with the relevant organizations and the manner of implementation by the Member States,

HAS DECIDED AS FOLLOWS:

Article 1

The Commission shall have authority to take appropriate initiatives to secure involvement of the Community, commensurate with its competences and responsibilities, in the international organizations and conferences dealing with the field of radiocommunications. The Member States shall support such initiatives.

Article 2

1. The Council, acting by a qualified majority on a proposal from the Commission, shall draw up, in the

⁽¹⁾ 90/C 166/02; OJ No C 166, 7. 7. 1990, p. 4.

⁽²⁾ 92/C 318/01; OJ No C 318, 4. 12. 1992, p. 1.

⁽³⁾ OJ No L 128, 23. 5. 1991, p. 1.

in the framework of the European Radiocommunications Committee and the European Radiocommunications Office regarding the allocation of radio frequencies.

2. Under the annual programme of work, the Commission may call on the European Radiocommunications Committee and the European Radiocommunications Office to undertake certain technical tasks within specified periods. These technical tasks correspond to the identification and allocation of appropriate frequency bands as required by the Community for the development of pan-European services and the free movement of telecommunications terminal equipment.

3. If the measures adopted within these organizations correspond to the guidelines drawn up in accordance with the procedure described in paragraph 1, the necessary adjustments to be made by the Member States to their legislation shall be defined in accordance with the procedure laid down in Article 3 (2). They shall include a specified deadline for the implementation of these measures on their territory.

4. On completion of the implementing procedures, Member States shall notify the Commission of the measures which they have adopted at national level. The Commission shall then publish these measures in the *Official Journal of the European Communities* with a reference to this Decision.

Article 3

1. The Commission shall be assisted by the Community Telecommunications Committee, made up of representatives of the national regulatory authorities of the Member States and chaired by a representative of the Commission.

2. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on this draft within a period to be stipulated by the chairman in accordance with the urgency of the point at issue and, where necessary, by taking a vote.

The opinion shall be entered in the minutes; furthermore, each Member State shall be entitled to request that its position be included in these minutes.

The Commission shall pay the utmost attention to the opinion delivered by the Committee and shall inform the latter of the manner in which it has done so.

Article 4

The Commission shall submit to the European Parliament and to the Council, not later than 31 December 1994, a report on the application of this Decision.

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops

(93/C 266/04)

COM(93) 389 final

(Submitted by the Commission on 10 September 1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the European Economic Community concluded an agreement, in the framework of the General Agreement on Tariffs and Trade, with the United States of America, concerning certain oil seeds; whereas the agreement took the form of a Memorandum of Understanding on Oil seeds approved by Council Decision 93/355/EEC⁽¹⁾; whereas it is necessary to modify Council Regulation (EEC) No 1765/92⁽²⁾, as last

amended by Regulation (EEC) No 1552/93⁽³⁾, in order to give effect to the terms of that Memorandum of Understanding;

Whereas Regulation (EEC) No 1765/92 could lead to an increase in sowings of soya beans, rape seed and colza seed and sunflower seed, so that adjustments should be made to the benefits accruing to producers pursuant to that Regulation in respect of crop-specific oil seed payments; whereas maximum guaranteed areas should be established for those crops; whereas in the event of an increase in sowings of those crops above the level of the maximum guaranteed areas, the compensatory payments should be reduced; whereas the reduction in the compensatory payments should be such as to discourage a level of sowings in excess of the maximum guaranteed areas; whereas the cultivation of confectionery sunflower seed should be excluded from the benefits of such support with effect from sowings for harvest in 1994,

⁽¹⁾ OJ NO L 147, 18. 6. 1993, p. 25.

⁽²⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 19.