

rules are implemented in a reasonably uniform manner in all the Member States? That is the question.

4. Specific comments

4.1. Article 11(3), penultimate line

4.1.1. Insert 'repeated' before 'excess speed'.

Done at Brussels, 27 November 1991.

5. Conclusions

5.1. Although well intentioned, the Commission proposal leaves many questions unanswered and, if introduced in its present form, will involve a lot of red tape. The Committee endorses the content of the proposal, but is of the view that some provisions are too vaguely worded to adequately ensure their uniform application in all Member States.

The Chairman

of the Economic and Social Committee

François STAEDLIN

Opinion on the proposal for a Council Directive on the frequency bands to be designated for the coordinated introduction of digital short-range radio (DSRR) in the Community ⁽¹⁾

(92/C 40/10)

On 23 July 1991 the Council decided to consult the Economic and Social Committee, under Article 100 A of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Transport and Communications, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 13 November 1991. The Rapporteur was Miss Barrow.

At its 291st plenary session (meeting of 27 November 1991), the Economic and Social Committee adopted the following Opinion unanimously.

1. Introduction

1.1. The proposal for a Council Directive which the Economic and Social Committee has been asked to consider deals with the harmonization of frequencies for digital short-range radio (DSRR) throughout the Community.

1.2. Recent years have seen great growth in services, both public and private, wishing to make use of the radio spectrum. Efficient administration and, in particular, great care in the allocation of frequencies is

needed to ensure that the greatest benefits can be derived from the finite resources of the radio spectrum.

1.3. Because frequencies are a limited resource and because there are a great many competing needs to use frequencies, both military and civil, public and private, it is clear that harmonization of frequency allocation on an international level will assist in ensuring maximum efficiency in exploiting the radio spectrum. The elimination of conflicting frequency allocation at a domestic level is, therefore, essential. In addition, the harmonization of frequency allocation throughout the Community

⁽¹⁾ OJ No C 189, 20. 7. 1991, p. 14.

will assist in creating a pan-European market for DSRR uncomplicated by national boundaries and inconsistent frequency allocation policies.

1.4. The need for the international coordination of frequency allocation has been recognized for many years and implemented on a large scale by both the International Telecommunication Union and the European Radio Communications Committee of the European Conference of Postal and Telecommunications Administrations (CEPT). However, measures as specific as those in the proposal have not, to date, been implemented on a wide scale. The Committee therefore commends the proposal and supports the principle of pan-European coordination of frequency allocation implemented in accordance with the laws of the European Communities.

1.5. The proposal sets out provisions whereby the Member States of the European Communities are required to allocate the frequency bands indicated in CEPT Recommendation T/R 75/02 (notably 888-890 and 933-935 MHz) for DSRR systems.

1.6. The objective of the proposal is to assist in the development of DSRR by specifically allocating frequency bands to it. This should add momentum to the progress already being made in the development of DSRR with a view to achieving the following:

- a) the completion of a single European standard for DSRR. This involves the standard-setting process of the European Telecommunications Standards Institute (ETSI) and, in particular, the completion of DSRR specifications [1 European Telecommunications Standard (ETS)] by October 1991 and the development of the European Telecommunications Standard for DSRR by 1993;
- b) the coordinated introduction of DSRR throughout the Community;
- c) the operation of DSRR on a pan-European basis because of the availability of common, Europe-wide frequencies;
- d) the creation of a large Europe-wide market for DSRR with consequential benefits for manufacturers as a result of the scale of the market.

2. General comments

2.1. The principles of harmonization to be implemented in the proposal are complementary to the general principles set out in the communication from the Commission entitled 'Towards a dynamic Economy - Green Paper on the development of the Common Market for telecommunications services and equipment' [doc. COM(87) 290, 30 June 1987]. In addition the measures set out in the proposal are in line with

other moves in similar fields such as the development of GSM as a pan-European standard for digital mobile telephony.

2.2. The measures set out in the proposal will clearly be of assistance in resolving the incompatibility of mobile communications systems in the Community and accordingly they are in line with the European Parliament's stated policy (European Parliament Report on Telecommunications in the Community, doc. 1.477/3 of 3 March 1984).

2.3. As there is no formal reference in the proposal, the Committee presumes that, in accordance with normal practice, the Commission will undertake the usual impact study concerning competitiveness and employment.

2.4. Whilst the Committee is in general agreement with the measures set out in the proposal, it does, however, have reservations with respect to several of the detailed provisions of the proposal in particular those relating to the proposed timetable for implementation. They are:

- a) the deadlines set out in Articles 2.1 and 3 of the proposal (1 January 1992 for designation by Member States of the relevant frequencies for DSRR and 31 December 1991 for completion of relevant laws, regulations and administrative provisions) are unrealistic;
- b) the reporting provisions set out in Article 4 of the proposal are neither satisfactory nor will they be helpful.

2.5. In the Committee's view the deadline for implementation of the frequency allocation should be tightly (but realistically) scheduled. The Committee suggests that the Commission should communicate with the relevant regulatory agencies of the Member States to establish what action needs to be taken under their domestic laws to designate these frequencies. The deadline should then be fixed as early as possible within the framework of the action that each Member State has to take.

2.6. In the Committee's view the Commission should report to the Council on the legal implementation of the Directive within twelve months of the deadline for laws, regulations and administrative provisions necessary to comply with the Directive, setting out the position as regards DSRR frequency allocation in each Member State to that date.

2.7. Thereafter it is the Committee's opinion that the Commission should report to the Council on the

practical implementation of the Directive within five years, setting out in detail whether the objectives of the

Directive have been achieved and analyzing the state of the Europe-wide DSRR market.

Done at Brussels, 27 November 1991.

The Chairman
of the Economic and Social Committee
François STAEDLIN

Opinion on the Commission proposal for a Council Decision concerning an Agreement between the European Economic Community, the Kingdom of Norway and the Kingdom of Sweden on civil aviation

(92/C 40/11)

On 7 October 1991 the Council decided to consult the Economic and Social Committee, under Article 84(2) of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Transport and Communications, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 13 November 1991. The Rapporteur was Mr Bo Green.

At its 291st plenary session (meeting of 27 November 1991), the Economic and Social Committee unanimously adopted the following Opinion.

1. Introduction—Commission proposal

1.1. Further to the Council Decision of 18-19 June 1990 the Commission conducted negotiations with a joint delegation from Norway and Sweden and consensus was reached on an Agreement whereby all Community legislation affecting the air-transport sector would be applicable in Norway and Sweden.

1.2. Since the Agreement is seen as a component of the common commercial policy, the legal base is Article 113 of the Treaty.

1.3. The proposed Agreement's six chapters:

- deal with the scope of the Agreement,
- contain a transcription of the Treaty's competition rules,
- concern the Commission's powers,
- establish a Joint Committee,

— contain provisions for consultation,

— and set out provisions regarding the entry into force and review of the Agreement.

1.3.1. On the Joint Committee referred to in Chapter 4, the Commission—in conjunction with representatives of the Member States—represents the EC.

2. General comments

2.1. The Committee largely agrees with the thrust of the Commission's proposal, especially in the light of the EC-European Free Trade Association (EFTA) Cooperation Agreement concluded on 21 October 1991.

2.2. In its Decision of 7 October 1991 the Council approved the substance of the Aviation Agreement and