

Wednesday 12 December 2001

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BY PARLIAMENT

market analysis, in accordance with Article 15 of Directive 2001/.../EC (Framework Directive) to determine whether to maintain, amend or withdraw these obligations.

Article 15 of Directive 2001/.../EC (Framework Directive) to determine whether to maintain, amend or withdraw these obligations. An appropriate period of notice shall be given to parties affected by such amendment or withdrawal of obligations.

Amendment 19

Article 8, paragraph 3, subparagraph 2

In exceptional circumstances, when a national regulatory authority intends to impose on operators with significant market power obligations for access or interconnection **that go beyond** those set out in *Article 9 to 13 in this Directive* it shall submit this request to the Commission. The Commission, acting in accordance with Article 14(2) shall take a decision authorising or preventing the national regulatory authority from taking such measures.

In exceptional circumstances, when a national regulatory authority intends to impose on operators with significant market power **other** obligations for access or interconnection **than** those set out in *Articles 9 to 13* it shall submit this request to the Commission. The Commission, acting in accordance with Article 14(2), shall take a decision authorising or preventing the national regulatory authority from taking such measures.

10. Authorisation of electronic communications networks and services (authorisation directive) ***II

A5-0433/2001

European Parliament legislative resolution on the Council common position with a view to the adoption of a European Parliament and Council directive on the authorisation of electronic communications networks and services (authorisation directive) (10419/1/2001 – C5-0417/2001 – 2000/0188(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (10419/1/2001 – C5-0417/2001) ⁽¹⁾,
- having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2000) 386) ⁽³⁾,
- having regard to the Commission's amended proposal (COM(2001) 372) ⁽⁴⁾,
- having regard to Article 251(2) of the EC Treaty,
- having regard to Rule 80 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Industry, External Trade, Research and Energy (A5-0433/2001),

1. Amends the common position as follows;
2. Instructs its President to forward its position to the Council and Commission.

⁽¹⁾ OJ C 337, 30.11.2001, p. 18.

⁽²⁾ OJ C 277, 1.10.2001, p. 116.

⁽³⁾ OJ C 365 E, 19.12.2000, p. 230.

⁽⁴⁾ OJ C 270 E, 25.9.2001, p. 182.

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Amendment 10

Recital 32

(32) In addition to administrative charges, usage fees may be levied for the use of radio frequencies and numbers as an instrument to ensure the optimal use of such resources. Such fees should not hinder the development of innovative services and competition in the market. This Directive is without prejudice to the purpose for which fees for rights of use are employed. Such fees may for instance be used to finance activities of national regulatory authorities that cannot be covered by administrative charges.

(32) In addition to administrative charges, usage fees may be levied for the use of radio frequencies and numbers as an instrument to ensure the optimal use of such resources. Such fees should not hinder the development of innovative services and competition in the market. This Directive is without prejudice to the purpose for which fees for rights of use are employed. Such fees may for instance be used to finance activities of national regulatory authorities that cannot be covered by administrative charges. **Where, in the case of competitive or comparative selection procedures, fees for rights of use of radio frequencies consist entirely or partly of a one-off amount, payment arrangements should ensure that such fees do not in practice lead to selection on the basis of criteria unrelated to the objective of ensuring optimal use of radio frequencies. The Commission may publish, on a regular basis, benchmark studies on best practices with regard to allocation of radio frequencies, assignment of numbers or rights of way.**

Amendment 11

Article 14, paragraph 1a (new)

1a. Member States shall not restrict or withdraw rights to install facilities before expiry of the period for which such rights were granted except where justified and where applicable in conformity with relevant national provisions regarding compensation for withdrawal of rights.

Amendment 6

Article 15, paragraph 2

2. Where information as referred to in paragraph 1 is held at different levels of government, in particular information regarding procedures and conditions on rights to install facilities, the national regulatory authority shall make all reasonable efforts to create a user-friendly overview of all such information, **where the relevant authority deems this possible at proportionate costs**, in order to facilitate applications for rights to install facilities.

2. Where information as referred to in paragraph 1 is held at different levels of government, in particular information regarding procedures and conditions on rights to install facilities, the national regulatory authority shall make all reasonable efforts, **bearing in mind the costs involved**, to create a user-friendly overview of all such information, **including information on the relevant levels of government and the responsible authorities**, in order to facilitate applications for rights to install facilities.

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Article 17, paragraph 2

2. Where application of paragraph 1 results in a reduction of the rights or an extension of the obligations under authorisations already in existence, Member States may extend the validity of those rights and obligations until at the latest **12 months** after the date of application referred to in Article 18(1), second subparagraph, provided that the rights of other undertakings under Community law are not affected thereby. Member States shall notify such extensions to the Commission and state the reasons therefore.

2. Where application of paragraph 1 results in a reduction of the rights or an extension of the obligations under authorisations already in existence, Member States may extend the validity of those rights and obligations until at the latest **9 months** after the date of application referred to in Article 18(1), second subparagraph, provided that the rights of other undertakings under Community law are not affected thereby. Member States shall notify such extensions to the Commission and state the reasons therefore.

11. Universal service and users' rights relating to electronic communications networks and services ***II

A5-0438/2001

European Parliament legislative resolution on the Council common position with a view to the adoption of a European Parliament and Council directive on universal service and users' rights relating to electronic communications networks and services (universal service directive) (10421/1/2001 – C5-0418/2001 – 2000/0183(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (10421/1/2001 – C5-0418/2001) ⁽¹⁾,
- having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2000) 392) ⁽³⁾,
- having regard to the Commission's amended proposal (COM(2001) 503) ⁽⁴⁾,
- having regard to Article 251(2) of the EC Treaty,
- having regard to Rule 80 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Legal Affairs and the Internal Market (A5-0438/2001),

1. Amends the common position as follows;
2. Instructs its President to forward its position to the Council and Commission.

⁽¹⁾ OJ C 337, 30.11.2001, p.55.

⁽²⁾ 'Texts Adopted', 13.6.2001, Item 7.

⁽³⁾ OJ C 365 E, 19.12.2000, p. 238.

⁽⁴⁾ OJ C 332 E, 27.11.2001, p. 292.