



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.02.2002
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2000/0187 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DECISION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**on a Regulatory framework for radio spectrum policy
in the European Community (Radio Spectrum Decision)**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the two amendments proposed by Parliament.

2. BACKGROUND

Legal basis:	Article 95 of EC Treaty
Date of decision by the Commission:	12 July 2000
Transmission of the Proposal to the Council and the European Parliament (COM(2000)407 - 2000/0187 (COD) in accordance with article 251(2) of the EC Treaty:	29 August 2000
Opinion of the Economic and Social Committee:	24 January 2001
Opinion of the European Parliament - first reading:	5 July 2001
Amended proposal:	18 September 2001
Common position of the Council:	16 October 2001
Communication from the Commission on the common position:	19 October 2001
EP second reading – vote in ITRE:	27 November 2001
EP second reading – vote in plenary:	12 December 2001
Budgetary implications:	yes

3. PURPOSE OF THE PROPOSAL

The proposal establishes a policy and legal framework in the European Community in order to ensure co-ordination 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 Research and Development (R&D).

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

Following the vote in ITRE on 27 November on seven amendments to be submitted in 2nd reading, the Council Presidency worked out a compromise which foresaw the adoption of two of the ITRE amendment subject to modifications and the rejection of five amendments. During the 2nd reading on 12 December, Parliament voted on the two amendments retained in the compromise package and accepted them. Both are acceptable to the Commission.

- Amendment 8, which specifies that harmonisation of Community policy of radio spectrum is desirable for services and applications, in particular for services and applications with Community or European coverage.

The Commission can accept this modified wording of the original Parliament amendment proposal, since it reflects in a more suitable manner the cases where harmonisation of Community policy on radio spectrum can be envisaged.

- Amendment 9, which introduces a new Recital in order to express that any new Community policy initiative depending on radio spectrum shall be agreed by the European Parliament and Council as appropriate, on the basis of a proposal from the Commission. Without prejudice to the right of initiative of the Commission, this proposal should include, inter alia, information on the impact of the envisaged policy on existing spectrum user communities as well as indications regarding any general radio frequency re-allocation that this new policy would require.

The Commission can accept this amendment since it applies to a recital rather than to an article as proposed on the original Parliament amendment proposal. Furthermore, by adding the wording “without prejudice to the right of initiative of the Commission” this new recital does not constrain the institutional rights anchored in the Treaty.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.