



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 December 2011

**Interinstitutional File:
2010/0252 (COD)**

**16226/11
ADD 1**

REV 1

**TELECOM 162
AUDIO 60
MI 535
CODEC 1859
OC 24
PARLNAT 324**

STATEMENT OF THE COUNCIL'S REASONS

Subject: Position of the Council at first reading with a view to the adoption of a Decision of the European Parliament and of the Council establishing the first radio spectrum policy programme
- Statement of the Council's reasons
Adopted by the Council on 13 December 2011

I. INTRODUCTION

1. On 20 September 2010, the Commission submitted to the Council its proposal for a Decision of the European Parliament and of the Council establishing the first Radio Spectrum Policy Programme (hereinafter: RSPP)¹.
2. The Economic and Social Committee gave its opinion on 16 February 2011.
3. The European Parliament adopted its position at first reading on 11 May 2011.
4. The Council adopted its position in first reading on 13 December 2011.

II. OBJECTIVE

The RSPP establishes a five-year policy programme with the aim to promote efficient radio spectrum management and, in particular, to ensure that sufficient spectrum is made available by 2013 for wireless broadband, which will contribute to bringing fast connections to people in remote areas and to making innovative services available in the EU.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

General

1. The European Parliament expressed broad support for the Commission proposal and adopted 87 amendments to it.
2. The Council could broadly agree with the spirit of these amendments and has taken extensive account of them when drawing up its position at first reading.
3. The proposal was subject to five informal dialogues with the European Parliament on 12 and 20 September and on 4, 11 and 24 October 2011.

¹ Doc. 13872/10.

4. Regarding Parliament's amendments to the Recitals, the Council accepted in its position at first reading in full, in part or in principle amendments 1, 2, 3, 4, 5, 6, 7, 9, 10, 17, 18, 19, 21, 22, 23, 27, 40.

The Council did not incorporate the following amendments in its position at first reading: 8, 11, 12, 13, 14, 15, 16, 20, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34.

5. Regarding Parliament's amendments to the Articles, the Council accepted in its position at first reading in full, in part or in principle amendments 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 47, 48, 90, 51, 52, 53, 54, 59, 60, 61, 62, 63, 65, 66, 67, 70, 71, 73, 92, 75, 76, 77, 79, 80, 81.

The Council did not incorporate the following amendments in its position at first reading: 44, 46, 49, 55, 56, 57, 58, 64, 68, 69, 72, 78, 82, 83, 84, 85, 86, 87, 88.

Specific comments

1. During the trialogues, the co-legislators focussed their discussions on the legislative provisions dealing with: the availability of spectrum for wireless data traffic (amendment 38), the question whether the scope of the competition article (article 5) should go beyond electronic communications services and also cover other EU policy areas depending on radio spectrum (amendments 57, 58); how best to establish an inventory of spectrum use (amendments 82, 83, 84); and the issue of spectrum in international and bilateral negotiations (amendments 85, 86, 87).
2. With regard to spectrum for wireless data traffic, the Council met the Parliament's request for a quantitative target to be identified by 2015. In general, however, it was agreed that the radio spectrum policy programme should not refer to specific frequency bands or specific amounts of frequencies possibly needed for one or the other application, as this would pre-empt the outcome of the investigations to be carried out in the context of the spectrum inventory.

3. As no concrete examples were available, which could clarify where potential competition problems could arise between electronic communications services and other EU policies relying on radio spectrum, such as research, technological development and space, transport, energy and audio-visual, the Council limited the scope of the competition article to electronic communications services.
4. As neither the Commission's original proposal on the spectrum inventory nor Parliament's amendments to it were considered by the Council as appropriate proposals, the Council re-drafted the relevant legislative provisions.
5. Regarding the issue of spectrum in international negotiations and rather than supporting the new elements proposed by the Commission and the Parliament in this regard, the Council preferred to recall in the radio spectrum policy programme the already established principles, which apply to international spectrum negotiations.

IV. CONCLUSION

In adopting its position as set out in doc.16226/1/11, the Council hopes that the European Parliament can confirm the agreement reached among the institutions and thus enable an early adoption of the Decision.
