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To: Permanent Representatives Committee

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Subject: Proposal for a Decision of the European Parliament and of the Council on the use of the 470-790 MHz frequency band in the Union  
- Preparation for the first informal trilogue

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1. On 2 February 2016, the Commission adopted and transmitted to the Council and to the European Parliament the above-mentioned proposal which regulates the assignment by Member States of the use of the 694-790 MHz ("700 MHz") frequency band for wireless broadband services by 30 June 2020. This should facilitate the deployment of 5G foreseen from 2020. The lower part of the UHF band (470-694 MHz) would remain available for the terrestrial provision of broadcasting services, including free television, and for use of wireless audio programme making and special events (PMSE) equipment.
2. The TTE (Telecom) Council, at its meeting on 26 May 2016, adopted a general approach on the proposal as set out in doc. 8793/16. The text of the general approach is reflected in the third column in the Annex.

3. The European Parliament's ITRE Committee (rapporteur: Ms. Patrizia Toia, S&D), voted on the draft amendments on 10 November 2016. The most important requests from the EP, as well as those main issues where the institutions have diverging views, are listed below.
- **AM 22 and 33, Article 1(1) first sub-paragraph and Annex (new):** the EP request to set out in an annex a complete list of justified reasons enabling Member States to delay the availability of the 700 MHz frequency band beyond 2020. In the Council general approach, a non-exhaustive list of justified reasons is set out in recital (9a).
  - **AM 25, Article 3(1):** the EP request for necessary measures to be taken by Member States to ensure a consistent and continues high-quality level of coverage following the authorisation of use of the 700 MHz frequency band (using elements such as "*entire population and territory*", "*at the fastest possible broadband speeds*", "*at least 30 Mb/s both indoors and outdoors*"), including a reference to Mobil Virtue Network Operators (MVNOs). In response to the EP request, the Presidency developed a compromise text as set out in the fourth column under Article 3(1) as well as in recital (5a) (*MVNOs*), which aims at striking a proper balance between the positions of the two institutions.
  - **AM 19 and 32, Article 6 and Recital 13:** the EP request to assign to the Commission to carry out, by 1 January 2023 and in close cooperation with the Member States, an assessment of the use of the 470-960 MHz frequency band with a view to developing a common position on the review of that frequency band at the World Radiocommunication Conference in 2023. The Council, in its general approach, deleted Article 6 as well as the corresponding recital 13.
4. The EP amendments, reflected in the second column in the Annex, were examined by the Telecommunication and Information Society Working Party on 22 November and 6 December. Following this examination and the subsequent written comments received, delegations will find reflected in the fourth column Presidency compromise proposals.

5. The Presidency and the EP negotiation team have agreed to hold the first informal trilogue on 14 December 2016.
6. The European Economic and Social Committee issued its opinion on 26 May 2016 whilst the Committee of the Regions decided not to issue an opinion.
7. Coreper is invited to agree on a mandate for the Presidency for the first informal trilogue on 14 December 2016, on the basis of the text reflected in the Annex. Furthermore, the Presidency hopes that Coreper could grant in this mandate a certain degree of flexibility on some of the main issues.

*N.B. The fourth column contains Presidency compromise proposals with regard to the ITRE amendments: ***bold italics underlined*** text indicates text as it was proposed by ITRE, **underlined bold** text indicates compromise text proposed by the Presidency in response to ITRE amendments. Accepted and rejected amendments are indicated.*

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Proposal for a

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

on the use of the 470-790 MHz frequency band in the Union

COMMISSION PROPOSAL (2016/0027 (COD) - doc.5814/16)	EUROPEAN PARLIAMENT ITRE Report 10.11.2016	COUNCIL GENERAL APPROACH (doc.8793/16)	PRESIDENCY COMPROMISE proposals
<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national parliaments,</p>		<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national parliaments,</p>	
<p>Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,</p>		<p>Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,</p>	

<sup>1</sup> OJ C , , p. .

<p>Having regard to the opinion of the Committee of the Regions<sup>2</sup>,</p> <p>Acting in accordance with the ordinary legislative procedure,</p> <p>Whereas:</p> <p>(1) In the multiannual radio spectrum policy programme (RSPP) established by Decision No 243/2012/EU<sup>3</sup>, the European Parliament and the Council set the objectives of identifying at least 1 200 MHz of spectrum suitable for wireless broadband electronic communications services in the Union by 2015, of supporting the further development of innovative audiovisual media services by ensuring sufficient spectrum for the satellite and terrestrial provision of such services, if the need is clearly substantiated, and of ensuring sufficient spectrum for programme making and special events (PMSE).</p>		<p>Having regard to the opinion of the Committee of the Regions<sup>(2)</sup>,</p> <p>Acting in accordance with the ordinary legislative procedure,</p> <p>Whereas:</p> <p>(1) In the multiannual radio spectrum policy programme (RSPP) established by Decision No 243/2012/EU<sup>(3)</sup>, the European Parliament and the Council set the objectives of identifying at least 1 200 MHz of spectrum suitable for wireless broadband electronic communications services in the Union by 2015, of supporting the further development of innovative [ ] <b>broadcasting</b> services by ensuring sufficient spectrum for the satellite and terrestrial provision of such services, if the need is clearly substantiated, and of ensuring sufficient spectrum for programme making and special events (PMSE).</p>	
	<p><b>AM 1</b></p> <p>(1) In the multiannual radio spectrum policy programme (RSPP) established by Decision No 243/2012/EU<sup>20</sup>, the European Parliament and the Council set the objectives of identifying at least 1 200 MHz of spectrum suitable for wireless broadband electronic communications services in the Union by 2015, of supporting the further development of innovative <b>broadcasting</b> services by ensuring sufficient spectrum for the satellite and terrestrial provision of such services, if the need is clearly substantiated, and of ensuring sufficient spectrum for programme making and special events (PMSE).</p>		<p><i>Accept (EP and Council position identical).</i></p>

<sup>2</sup> OJ C , , p. .

<sup>3</sup> Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme (OJ L 81, 21.3.2012, p. 7).

<p>(2) In its strategy for the digital single market (DSM)<sup>4</sup>, the Commission highlights the importance of the 694-790 MHz ('700 MHz') frequency band for ensuring the provision of broadband services in rural areas and stresses the need for a coordinated release of that frequency band, while accommodating the specific needs of audiovisual media services distribution.</p>	<p><b>AM 2</b></p> <p>(2) In its strategy for the digital single market (DSM)<sup>21</sup>, the Commission highlights the importance of the 694-790 MHz ('700 MHz') frequency band for ensuring the provision of broadband services in rural areas and stresses the need for a coordinated release of that frequency band, <b><i>in order to ensure access and connectivity</i></b>, while accommodating the specific needs of <b><i>broadcasting</i></b> services distribution. <b><i>Reducing the digital divide, in coverage as well as in knowledge, is an important aspect that has to be a priority, without creating new divides when users take up new technologies.</i></b></p>	<p>(1a) <b>This Decision should be without prejudice to measures taken at national level, in compliance with Union law, that pursue general interest objectives relating to the right of Member States to organise and use their spectrum for the purposes of public order, public security and defence.</b></p> <p>(2) In its strategy for the digital single market (DSM)<sup>(4)</sup>, the Commission highlights the importance of the 694-790 MHz ('700 MHz') frequency band for ensuring the provision of broadband services in rural areas and stresses the need for a coordinated release of that frequency band, while accommodating the specific needs of <b>broadcasting</b> services distribution.</p>	<p>Keep Council text.</p>
			<p>Accept, in part.</p> <p>(2) In its strategy for the digital single market (DSM)<sup>21</sup>, the Commission highlights the importance of the 694-790 MHz ('700 MHz') frequency band for ensuring the provision of broadband services in rural areas <b><u>in order to ensure access and connectivity</u></b>, and stresses the need for a coordinated release of that frequency band while accommodating the specific needs of <b><i>broadcasting</i></b> services distribution. <b><u>Reducing the digital divide, in coverage as well as in knowledge, is an important aspect that has to be a priority, without creating new divides when users take up new technologies.</u></b></p>

<sup>4</sup> See [http://ec.europa.eu/priorities/digital-single-market/index\\_en.htm](http://ec.europa.eu/priorities/digital-single-market/index_en.htm).

	<p><b>AM 3</b></p> <p><i>(2 a) Improving the management of spectrum, is a condition for the industrial shift to 5G, which would put Europe at the centre of innovation and create a favourable environment for digital networks and services to develop, which thus maximises the growth potential of the digital economy. The European Economy will increasingly have digital society at its core, which requires ubiquitous network coverage to develop services relating to the Internet of Things, E-Commerce, and European Cloud services, and to reap the full benefits of Industry 4.0 across Europe.</i></p>		<p>Accept, in part.</p> <p><u>(2 a) Effective management of spectrum, is a condition for the industrial shift to 5G, which would put Europe at the centre of innovation and create a favourable environment for electronic communications networks and services to develop, which thus maximises the growth potential of the digital economy. The European Economy will increasingly have digital society at its core, which requires ubiquitous network coverage to develop services relating to the Internet of Things, E-Commerce, and European Cloud services, and to reap the full benefits of Industry 4.0 across Europe.</u></p>
	<p><b>AM 4</b></p> <p><i>(2 b) The 700 MHz frequency band represents an opportunity for globally harmonised and coordinated spectrum for mobile broadband offering economies of scale. That band should allow new innovative digital services to be developed in urban and in rural or remote areas, such as e-Health and mHealth, supported by mobile phones, patient monitoring devices and other wireless devices, as well as smart energy grids.</i></p>		<p>Accept.</p>

	<p><b>AM 5</b>  <i>(2 c) In its resolution of 19 January 2016 entitled Towards a Digital Single Market Act<sup>21a</sup>, the European Parliament reminds the Member States of their commitment to reach full deployment of at least minimum target speeds of 30 Mbps, highlights that radio spectrum is a critical resource which is essential for the future competitiveness of the Union, and calls as a priority for a harmonised and pro-competitive framework for spectrum allocation and for effective spectrum management.</i></p>		<p>Accept.</p>
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<p>(3) Spectrum in the 470-790 MHz frequency band is a valuable asset for the cost-efficient deployment of wireless networks with universal indoor and outdoor coverage. This spectrum is currently used across the Union for digital terrestrial television (DTT) and wireless audio PMSE equipment. It supports the development of the media, creative and cultural sectors, which extensively rely on this spectrum resource for the wireless provision of content to mass audiences.</p>	<p><b>AM 6</b></p> <p>(3) Spectrum <b><i>is a public good. It is,</i></b> in the 470-790 MHz frequency band, a valuable asset for the cost-efficient deployment of wireless networks with universal indoor and outdoor coverage. This spectrum is currently used across the Union for digital terrestrial television (DTT) and wireless audio PMSE equipment. <b><i>It is thus a prerequisite for access to and dissemination of cultural content and of information and ideas. It supports, in parallel to new forms of distribution,</i></b> the development of the media, creative, cultural <b><i>and research</i></b> sectors, which extensively rely on this spectrum resource for the wireless provision of content to mass audiences.</p>	<p>(3) Spectrum in the 470-790 MHz frequency band is a valuable asset for the cost-efficient deployment of wireless networks with universal indoor and outdoor coverage. This spectrum is currently used across the Union for digital terrestrial television (DTT) and wireless audio PMSE equipment. It supports the development of the media, creative and cultural sectors, which extensively rely on this spectrum resource for the wireless provision of content to <input type="checkbox"/> end users.</p>	<p>Accept, in part.</p> <p>(3) Spectrum <b><i>is a public good. It is,</i></b> in the 470-790 MHz frequency band, a valuable asset for the cost-efficient deployment of wireless networks with universal indoor and outdoor coverage. This spectrum is currently used across the Union for digital terrestrial television (DTT) and wireless audio PMSE equipment. <b><i>It is thus a prerequisite for access to and dissemination of cultural content and of information and ideas. It supports, in parallel to new forms of distribution,</i></b> the development of the media, creative, cultural <b><i>and research</i></b> sectors, which extensively rely on this spectrum resource for the wireless provision of content to <b><u>end users.</u></b></p>
	<p><b>AM 7</b></p> <p>(3 a) <b><i>The allocation of the 700 MHz frequency band should be structured in a way that facilitates competition and should be carried out in a way that does not undermine existing competition but facilitates new competition.</i></b></p>		<p>Accept, in part.</p> <p>(3 a) <b><i>The allocation of the 700 MHz frequency band should be structured in a way that facilitates competition and should be carried out in a way that does not undermine existing competition.</i></b></p>

<p>(4) For Region 1, which includes the Union, the International Telecommunication Union's Radio Regulations adopted by the World Radiocommunication Conference have allocated the 700 MHz frequency band to the broadcasting and the mobile (except aeronautical mobile) service on a co-primary basis, and the 470-694 MHz ('sub-700 MHz') frequency band exclusively to the broadcasting service, on a primary basis, and to wireless audio PMSE use, on a secondary basis.</p>	<p><b>AM 8</b></p> <p>(4) For Region 1, which includes the Union, the International Telecommunication Union's Radio Regulations adopted by the World Radiocommunication Conference <i>in 2015</i> have allocated the 700 MHz frequency band to the broadcasting and the mobile (except aeronautical mobile) service on a co-primary basis, and the 470-694 MHz ('sub-700 MHz') frequency band <i>remains</i> exclusively <b>allocated</b> to the broadcasting service, on a primary basis, and to wireless audio PMSE use, on a secondary basis.</p>	<p>(4) For Region 1, which includes the Union, the International Telecommunication Union's Radio Regulations adopted by the World Radiocommunication Conference <b>in 2015</b> have allocated the 700 MHz frequency band to the broadcasting and the mobile (except aeronautical mobile) service on a co-primary basis, and the 470-694 MHz ('sub-700 MHz') frequency band <b>remains</b> exclusively <b>allocated</b> to the broadcasting service, on a primary basis, and to wireless audio PMSE use, on a secondary basis.</p>	<p><i>Accept (EP and Council position identical).</i></p>
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<p>(5) Rapidly growing wireless broadband traffic makes enhanced wireless network capacity a necessity. Spectrum in the 700 MHz frequency band provides both additional capacity and universal coverage, in particular for the economically challenging rural and remote areas, for indoor use and for wide-range machine-type communications. In this context, coherent measures for high-quality terrestrial wireless coverage across the Union, which build on best national practice for operators' licence obligations, should aim to meet the RSPP objective that all citizens should have access to broadband speeds of not less than 30 Mb/s by 2020. In this way, the measures will promote innovative digital services and ensure long-term socioeconomic benefits.</p>	<p><b>AM 9</b></p> <p>(5) Rapidly growing wireless broadband traffic <i>and the increasing economic, industrial and social importance of the digital economy</i> make enhanced wireless network capacity a necessity. Spectrum in the 700 MHz frequency band provides both additional capacity and universal coverage, in particular for the economically challenging rural, <i>mountainous, insular and other</i> remote areas, for indoor use and for wide-range machine-type communications. In this context, coherent <i>and coordinated</i> measures for high-quality terrestrial wireless coverage across the Union, which build on best national practice for operators' licence obligations, should aim to meet the RSPP objective that all citizens <i>throughout the Union</i> should have access to <i>the fastest possible</i> broadband speeds <i>and</i> not less than 30 Mb/s by 2020, <i>as well as aiming to achieve an ambitious vision for gigabit societies in the Union</i>. In this way, the measures will promote innovative digital services and ensure long-term socioeconomic benefits.</p>	<p>(5) Rapidly growing wireless broadband traffic makes enhanced wireless network capacity a necessity. Spectrum in the 700 MHz frequency band provides both additional capacity and universal coverage, in particular for the economically challenging rural and remote areas, <b>in pre-determined national priority areas, e.g. along major terrestrial transport routes</b> and for indoor use and for wide-range machine-type communications. In this context, coherent measures for high-quality terrestrial wireless coverage across the Union, which build on best national practice for operators' licence obligations, should aim to meet the RSPP objective that all citizens should have access to broadband speeds of not less than 30 Mb/s by 2020. In this way, the measures will promote innovative digital services and ensure long-term socioeconomic benefits.</p>	<p><i>Accept, in part.</i></p> <p>(5) Rapidly growing wireless broadband traffic <i>and the increasing economic, industrial and social importance of the digital economy</i> make enhanced wireless network capacity a necessity. Spectrum in the 700 MHz frequency band provides both additional capacity and universal coverage, in particular for the economically challenging rural, <i>mountainous, insular and other</i> remote areas, <b>in pre-determined national priority areas, e.g. along major terrestrial transport routes</b> and for indoor use and for wide-range machine-type communications. In this context, coherent <i>and coordinated</i> measures for high-quality terrestrial wireless coverage across the Union, which build on best national practice for operators' licence obligations, should aim to meet the RSPP objective that all citizens <i>throughout the Union</i> should have access to <i>fast</i> broadband speeds <i>and</i> not less than 30 Mb/s by 2020, <i>as well as aiming to achieve an ambitious vision for gigabit societies in the Union</i>. In this way, the measures will promote innovative digital services and ensure long-term socioeconomic benefits.</p>
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	<p><b>AM 10</b></p> <p><i>(5 a ) 5G will have a major impact not only on the digital sector, but on economies as a whole. Especially against the backdrop of slow deployment of 4G and corresponding services, the successful launch of 5G in the Union will be crucial for economic development and for the competitiveness and productivity of the European economy. Europe therefore needs to take the lead by securing enough spectrum for a successful launch and development of 5G.</i></p>	<p>Accept, with addition.</p> <p><u>(5 a ) 5G will have a major impact not only on the digital sector, but on economies as a whole. Especially against the backdrop of slow deployment of 4G and corresponding services, the successful launch of 5G in the Union will be crucial for economic development and for the competitiveness and productivity of the European economy. Europe therefore needs to take the lead by securing enough spectrum for a successful launch and development of 5G. In addition, when authorising the use of the 700 MHz frequency band, Member States could take due account of the opportunity to ensure that Mobile Virtual Network Operators have the opportunity to increase their geographical coverage.</u></p>
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<p>(6) Spectrum sharing within a common frequency band between bidirectional wireless broadband use (uplink and downlink), on the one hand, and unidirectional television broadcasting or wireless audio PMSE use, on the other hand, is technically problematic. This means that repurposing the 700 MHz frequency band for bidirectional terrestrial wireless broadband electronic communications services would deprive DTT and wireless audio PMSE users of part of their spectrum resources. The DTT and PMSE sectors therefore need long-term regulatory predictability on the availability of sufficient spectrum, so that they can safeguard the sustainable provision and development of their services, in particular free-to-view television. Measures may be needed at national and Union level to ensure additional spectrum resource for wireless audio PMSE use outside the 470-790 MHz frequency band.</p>	<p style="text-align: center;"><b>AM 11</b></p> <p>(6) Spectrum sharing within a common frequency band between bidirectional wireless broadband use (uplink and downlink), on the one hand, and unidirectional television broadcasting or wireless audio PMSE use, on the other hand, is technically problematic. This means that repurposing the 700 MHz frequency band for bidirectional terrestrial wireless broadband electronic communications services would deprive DTT and wireless audio PMSE users of part of their spectrum resources. The DTT and PMSE sectors therefore need long-term regulatory predictability on the availability of sufficient spectrum, so that they can safeguard the sustainable provision and development of their services, in particular free-to-view television, <b>while ensuring an appropriate environment for investments, and so that they can ensure that national and European audiovisual policy objectives such as social cohesion, media pluralism and cultural diversity are met.</b> Measures may be needed at national and Union level to ensure additional spectrum resource for wireless audio PMSE use outside the 470-790 MHz frequency band.</p>	<p>(6) Spectrum sharing within a common frequency band between bidirectional wireless broadband use <b>for wide-area use</b> (uplink and downlink), on the one hand, and unidirectional television broadcasting or wireless audio PMSE use, on the other hand, is technically problematic <b>where their coverage areas overlap or are close.</b> This means that repurposing the 700 MHz frequency band for bidirectional terrestrial wireless broadband electronic communications services would deprive DTT and wireless audio PMSE users of part of their spectrum resources. The DTT and PMSE sectors therefore need long-term regulatory predictability on the availability of sufficient spectrum, so that they can safeguard the sustainable provision and development of their services, in particular free-to-view television, <b>and secure their investments.</b> Measures may be needed at national and Union level to ensure additional spectrum resource for wireless audio PMSE use outside the 470-790 MHz frequency band.</p>	<p><i>Accept, in part.</i></p> <p>(6) Spectrum sharing within a common frequency band between bidirectional wireless broadband use <b>for wide-area use</b> (uplink and downlink), on the one hand, and unidirectional television broadcasting or wireless audio PMSE use, on the other hand, is technically problematic <b>where their coverage areas overlap or are close.</b> This means that repurposing the 700 MHz frequency band for bidirectional terrestrial wireless broadband electronic communications services would deprive DTT and wireless audio PMSE users of part of their spectrum resources. The DTT and PMSE sectors therefore need long-term regulatory predictability on the availability of sufficient spectrum, so that they can safeguard the sustainable provision and development of their services, in particular free-to-view television, <b>while ensuring an appropriate environment for investments, and so that they can ensure that national and European audiovisual policy objectives such as social cohesion, media pluralism and cultural diversity are met.</b> Measures may be needed at national and Union level to ensure additional spectrum resource for wireless audio PMSE use outside the 470-790 MHz frequency band.</p>
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<p>(7) In his report to the Commission (the 'Lamy report')<sup>5</sup>, Pascal Lamy, the Chairman of the high-level group on the future use of the 470-790 MHz frequency band, recommended that the 700 MHz frequency band be made available for wireless broadband by 2020 (+/- two years). This would help achieve the goal of long-term regulatory predictability for DTT in having access to the sub-700 MHz frequency band until 2030, although this would have to be reviewed by 2025. The Lamy Report also recommended national flexibility in spectrum use of the sub-700 MHz frequency band, which is limited to downlink-only. Downlink-only is the restriction of all transmissions in a wireless system, independent of its technology, to unidirectional transmission from central infrastructure stations such as a TV broadcasting tower or a mobile base station to portable or mobile terminals such as TV sets or mobile phones.</p>	<p><b>AM 12</b></p> <p>(7) In his report to the Commission (the 'Lamy report')<sup>22</sup>, Pascal Lamy, the Chairman of the high-level group on the future use of the 470-790 MHz frequency band, recommended that the 700 MHz frequency band be made available for wireless broadband by 2020 (+/- two years). This would help achieve the goal of long-term regulatory predictability for DTT in having access to the sub-700 MHz frequency band until 2030, although this would have to be reviewed by 2025. The Lamy Report also recommended a "flexibility <i>option</i>" <b><i>involving studying scenarios that allow spectrum in the sub-700 MHz frequency band to be used for downlink-only electronic communications services in cases where there is no or declining demand for DTT at national level.</i></b> Downlink-only is the restriction of all transmissions in a wireless system, independent of its technology, to unidirectional transmission from central infrastructure stations such as a TV broadcasting tower or a mobile base station to portable or mobile terminals such as TV sets or mobile phones.</p>	<p>(7) In his report to the Commission (the 'Lamy report')<sup>(5)</sup>, Pascal Lamy, the Chairman of the high-level group on the future use of the 470-790 MHz frequency band, recommended that the 700 MHz frequency band be made available for wireless broadband by 2020 (+/- two years). This would help achieve the goal of long-term regulatory predictability for DTT in having access to the sub-700 MHz frequency band until 2030, although this would have to be reviewed by 2025. □</p>	<p><i>Reject.</i></p>
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<sup>5</sup> Report by Mr Pascal Lamy, available at: <https://ec.europa.eu/digital-agenda/en/news/report-results-work-high-level-group-future-use-uhf-band>.

<p>(8) The Radio Spectrum Policy Group (RSPG) recommends in its opinion on a long-term strategy on the future use of the 470-790 MHz frequency band in the Union (the 'RSPG opinion') the adoption of a coordinated approach across the Union to make the 700 MHz frequency band available for effective use for wireless broadband electronic communications services by the end of 2020. This would be in conjunction with ensuring long-term availability until 2030 of the sub-700 MHz frequency band for the provision of downlink-only services. The RSPG particularly recommends introducing flexibility so that the sub-700 MHz frequency band can also be used for downlink-only wireless broadband electronic communications services.</p>	<p><b>AM 13</b></p> <p>(8) The Radio Spectrum Policy Group (RSPG) recommends in its opinion on a long-term strategy on the future use of the 470-790 MHz frequency band in the Union (the 'RSPG opinion') the adoption of a coordinated approach across the Union to make the 700 MHz frequency band available for effective use for wireless broadband electronic communications services by the end of 2020. <i>Member States should, however, be able to decide on the basis of duly justified reasons to delay the availability of the band for up to two years. Such a coordinated approach</i> would be in conjunction with ensuring long-term availability until 2030 of the sub-700 MHz frequency band <i>for the provision of broadcasting</i> services.</p>	<p>(8) The Radio Spectrum Policy Group (RSPG) recommends in its opinion on a long-term strategy on the future use of the 470-790 MHz frequency band in the Union (the 'RSPG opinion') the adoption of a coordinated approach across the Union to make the 700 MHz frequency band available for effective use for wireless broadband electronic communications services by the end of 2020. <b>Member States may decide for duly justified reasons to delay the availability of the band by up to two years.</b> This would be in conjunction with ensuring long-term availability until 2030 of the sub-700 MHz frequency band for <input type="checkbox"/> provision of <input type="checkbox"/> <b>broadcasting</b> services. The RSPG <input type="checkbox"/> recommends <input type="checkbox"/> that <b>Member States should have the flexibility <input type="checkbox"/> to use the sub-700 MHz frequency band <input type="checkbox"/> for <input type="checkbox"/> wireless broadband electronic communications services "provided that such use is compatible with the broadcasting needs in the relevant Member State and does not create constraint on the operations of DTT in neighbouring countries"</b>.</p>	<p><i>Accept, in part.</i></p> <p>(8) The Radio Spectrum Policy Group (RSPG) recommends in its opinion on a long-term strategy on the future use of the 470-790 MHz frequency band in the Union (the 'RSPG opinion') the adoption of a coordinated approach across the Union to make the 700 MHz frequency band available for effective use for wireless broadband electronic communications services by the end of 2020. <u><i>Member States should, however, be able to decide on the basis of duly justified reasons to delay the availability of the band for up to two years. Such a coordinated approach</i></u> would be in conjunction with ensuring long-term availability until 2030 of the sub-700 MHz frequency band <u><i>for the provision of broadcasting</i></u> services. <u><i>The RSPG recommends that Member States should have the flexibility to use the sub-700 MHz frequency band for wireless broadband electronic communications services "provided that such use is compatible with the broadcasting needs in the relevant Member State and does not create constraint on the operations of DTT in neighbouring countries"</i></u>.</p>
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	<p><b>AM 14</b>  <b>(8 a) In its communication of 11 September 2013 on the Telecommunications Single Market, the Commission highlighted how national spectrum assignment schemes result in a fragmented digital single market, since differences in the timing, conditions and costs of procedures for acquiring spectrum chill investment, and make it hard to develop integrated wireless networks between countries.</b></p>		<p><i>Reject.</i></p>
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<p>(9) As some Member States have already launched or completed a national process to authorise the use of the 700 MHz frequency band for bidirectional terrestrial wireless broadband electronic communications services, the Union should take immediate action in order to prevent fragmentation of the single market. What is needed is a coordinated approach to the future use of the 470-790 MHz frequency band, which should also provide regulatory predictability, balance Member State diversity with single market objectives and promote a coherent Union position on the international scene. In this context, Member States should be required to repurpose the 700 MHz frequency band in a timely manner in accordance with Union and national law.</p>	<p><b>AM 15</b></p> <p>(9) As some Member States have already launched or completed a national process to authorise the use of the 700 MHz frequency band for bidirectional terrestrial wireless broadband electronic communications services, the Union should take immediate action in order to prevent fragmentation of the single market. What is needed is a coordinated approach to the future use of the 470-790 MHz frequency band, which should also provide regulatory predictability, balance Member State diversity with single market objectives and promote a coherent Union position on the international scene. In this context, Member States should be required to repurpose the 700 MHz frequency band in a timely manner in accordance with Union and national law, <i>while taking into account Member States' specific situations such as existing licences, unreasonably high migration or reallocation costs, which would exceed revenues gained from auction, and geographical location in particular if a Member State is situated at the periphery of the Union and shares a border with a third country.</i></p>	<p>(9) <input type="checkbox"/> Some Member States have already launched or completed a national process to authorise the use of the 700 MHz frequency band for bidirectional terrestrial wireless broadband electronic communications services <input type="checkbox"/>. What is needed is a coordinated approach to the future use of the <input type="checkbox"/> 700 MHz frequency band, which should also provide regulatory predictability, balance Member State diversity with single market objectives and <b>promote European leadership on international technology developments</b> <input type="checkbox"/>. In this context, Member States should be required to repurpose the 700 MHz frequency band in a timely manner in accordance with Union and national law.</p>	<p><i>Reject.</i></p>
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**AM 16**  
*(9 a) Member States should be able to delay, on the basis of duly justified reasons, the availability of the 700 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services beyond a common Union deadline of 2020 for up to two years. In the event that a Member State decides to delay the availability of the band, it should inform other Member States and the Commission accordingly and include those duly justified reasons in its national roadmap. Such Member State should also cooperate with neighbouring Member States with a view to coordinating the process of releasing the 700 MHz frequency band and include information on such coordination in its national roadmap.*

**(9a) Member States unable to allow the use of the 694-790 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications by 30 June 2020 should duly justify any delays. The reasons for delay could include, but are not limited to, unresolved cross-border coordination issues, unresolved harmful interferences, the need to ensure technical migration to advanced broadcasting standards in presence of large amount of population affected by the process, financial costs of the transition exceeding the expected revenue generated by award procedures or force majeure. Other Member States and the Commission should be duly informed thereof in the national roadmaps published pursuant to this Decision. Member States should take all necessary steps to minimise resulting interference in the neighbouring Member States.**

*Keep Council text, as follows:*  
**(9a) Member States unable to allow the use of the 694-790 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications by 30 June 2020 should duly justify any delays. The reasons for delay could include, but are not limited to, unresolved cross-border coordination issues, unresolved harmful interferences, the need to ensure technical migration to advanced broadcasting standards in presence of large amount of population affected by the process, financial costs of the transition exceeding the expected revenue generated by award procedures or force majeure. Other Member States and the Commission should be duly informed thereof in the national roadmaps published pursuant to this Decision. Member States should take all necessary steps to minimise resulting interference in the affected Member States.**

<p>(10) The use of the 700 MHz frequency band by other applications in non-Union countries, as allowed by international agreements or in parts of national territory outside the effective control of the Member State authorities, may limit the band's use for terrestrial wireless broadband electronic communications services in some Member States. This would prevent them from complying with the common schedule set at Union level. Member States concerned should take all necessary steps to minimise the duration and geographical extent of these limitations and seek the assistance of the Union, where necessary, under Article 10(2) of the RSPP. They should also notify the Commission of such limitations pursuant to Articles 6(2) and 7, and the information should be published in accordance with Article 5, of Decision No 676/2002/EC<sup>6</sup>.</p>	<p>(10) The use of the 700 MHz frequency band by other applications in non-Union countries, as allowed by international agreements or in parts of national territory outside the effective control of the Member State authorities, may limit the band's use for terrestrial wireless broadband electronic communications services in some Member States. This would prevent them from complying with the common schedule set at Union level. Member States concerned should take all necessary steps to minimise the duration and geographical extent of these limitations and seek the assistance of the Union, where necessary, under Article 10(2) of the RSPP. They should also notify the Commission of such limitations pursuant to Articles 6(2) and 7, and the information should be published in accordance with Article 5, of Decision No 676/2002/EC<sup>(6)</sup>.</p>	<p><i>Keep the text.</i></p>
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<sup>6</sup> Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (OJ L 108, 24.4.2002, p. 1).

<p>(11) The use of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services should be subject to a flexible authorisation regime as soon as possible. This should include the possibility for holders of rights of use of spectrum to trade and lease their existing rights in the context of the application of Articles 9, 9a and 9b of Directive 2002/21/EC<sup>7</sup>.</p>	<p><b>AM 17</b></p> <p>(11) The use of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services should be subject to a flexible authorisation regime as soon as possible. This should include the possibility for holders of rights of use of spectrum to trade and lease their existing rights in the context of the application of Articles 9, 9a and 9b of Directive 2002/21/EC<sup>24</sup>, <b><i>taking into account the obligation to promote effective competition without distortions in the internal market for electronic communications services under Article 5 of Decision No 243/2012/EU and noting that during their respective assessments when licensing spectrum, the Member States, in their full competence, should take into consideration the duration of licences, the business plan of the operators, and its contribution to meeting the Digital Agenda objectives, promoting innovative digital services and long term socio-economic benefits, rather than aiming at the short-term economic benefit from licensing spectrum to the highest bidder.</i></b></p>	<p>(11) The use of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services should be subject to a flexible authorisation regime as soon as possible. This should include the possibility for holders of rights of use of spectrum to trade and lease their existing rights in the context of the application of Articles 9, 9a and 9b of Directive 2002/21/EC<sup>(7)</sup>.</p>	<p><i>Accept, in part.</i></p> <p>(11) The use of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services should be subject to a flexible authorisation regime as soon as possible. This should include the possibility for holders of rights of use of spectrum to trade and lease their existing rights in the context of the application of Articles 9, 9a and 9b of Directive 2002/21/EC<sup>24</sup>, <b><i>taking into account the obligation to promote effective competition without distortions in the internal market for electronic communications services under Article 5 of Decision No 243/2012/EU and noting that during their respective assessments when licensing spectrum, the Member States, in their full competence, should take into consideration the duration of licences, the business plan of the operators, and its contribution to meeting the Digital Agenda objectives, promoting innovative digital services and long term socio-economic benefits.</i></b></p>
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<sup>7</sup> Directive No 2002/21/EC of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L108, 24.4.2002, p.33).

<p>(12) In line with Articles 9 and 9a of Directive 2002/21/EC, Member States should apply a flexible approach where possible and may allow the introduction of alternative downlink-only uses such as terrestrial wireless broadband electronic communications services in the sub-700 MHz frequency band in accordance with national needs for distribution of audiovisual media services to a mass audience. When allowing use within the sub-700 MHz frequency band for downlink-only terrestrial wireless broadband electronic communications services, Member States should ensure that such use does not affect the use of sub-700 MHz band for digital terrestrial broadcasting in neighbouring Member States, as provided for in the Regional Radiocommunication Conference of 2006<sup>8</sup>.</p>	<p style="text-align: center;"><b>AM 18</b></p> <p>(12) In line with Articles 9 and 9a of Directive 2002/21/EC, Member States should apply a flexible approach where possible and may allow the introduction of alternative uses such as terrestrial wireless broadband electronic communications services in the sub-700 MHz frequency band in accordance with national needs for distribution of <i>broadcasting</i> services to a mass audience, <i>in cases where there is no or declining demand for DTT at national level. Such scenarios should guarantee continued access to spectrum for DTT as the primary user, subject to national demand.</i> When allowing use within the sub-700 MHz frequency band for terrestrial wireless broadband electronic communications services, Member States should ensure that such use does not affect the use of sub-700 MHz band for digital terrestrial broadcasting in neighbouring Member States, as provided for in the agreement at the Regional Radiocommunication Conference of 2006.</p>	<p>(12) <b>It is important to achieve long-term regulatory predictability for DTT regarding access to the sub-700 MHz frequency band, taking into account the outcome of the World Radiocommunication Conference in 2015.</b> In line with Articles 9 and 9a of Directive 2002/21/EC, Member States should apply a flexible approach where possible and may allow the introduction of alternative uses such as terrestrial wireless broadband electronic communications services in the sub-700 MHz frequency band in accordance with national needs for distribution of <i>broadcasting</i> services. <i>Such scenarios should guarantee continued access to spectrum for DTT as the primary user, subject to national demand.</i> When allowing use within the sub-700 MHz frequency band for terrestrial wireless broadband electronic communications services, Member States should ensure that such use does not <b>cause harmful interference to</b> digital terrestrial broadcasting in neighbouring Member States, as provided for in the agreement at the Regional Radiocommunication Conference of 2006<sup>(8)</sup>.</p>	<p><i>Accept, in part.</i></p> <p>(12) <b>It is important to achieve long-term regulatory predictability for DTT regarding access to the sub-700 MHz frequency band, taking into account the outcome of the World Radiocommunication Conference in 2015.</b> In line with Articles 9 and 9a of Directive 2002/21/EC, Member States should apply a flexible approach where possible and may allow the introduction of alternative uses such as terrestrial wireless broadband electronic communications services in the sub-700 MHz frequency band in accordance with national needs for distribution of <i>broadcasting</i> services. <i>Such scenarios should guarantee continued access to spectrum for DTT as the primary user, subject to national demand.</i> When allowing use within the sub-700 MHz frequency band for terrestrial wireless broadband electronic communications services, Member States should ensure that such use does not <b>cause harmful interference to</b> digital terrestrial broadcasting in neighbouring Member States, as provided for in the agreement at the Regional</p>
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<sup>8</sup> Regional Radiocommunication Conference of 2006 for planning of the digital terrestrial broadcasting service in parts of Regions 1 and 3, in the frequency bands 174-230 MHz and 470-862 MHz (RRC-06) in Geneva.

<p>(13) In any case, spectrum usage in the 470-694 MHz frequency band should be reassessed at Union level no later than 2025. Such an assessment should also take into account the planned review of this frequency band at the World Radiocommunication Conference in 2023. Changes in the use of the sub-700 MHz frequency band should take into consideration technological developments, consumer behaviour, the importance of continuing the delivery of free television<sup>9</sup> service and economic and cultural general interest objectives. In this context, studies on technical and regulatory conditions for co-existence between incumbent and new spectrum uses in the sub-700 MHz frequency band are necessary. These would ensure coherence between the approaches taken by different Member States on flexible and efficient spectrum use and would enable technical harmonisation measures for use and co-existence in this band. Such studies and measures may be developed pursuant to Decision No 676/2002/EC.</p>	<p><b>AM 19</b></p> <p>(13) In any case, spectrum usage in the 470-694 MHz frequency band should be reassessed at Union level <i>in time for</i> the planned review of this frequency band at the World Radiocommunication Conference in 2023. Changes in the use of the sub-700 MHz frequency band should take into consideration technological developments, consumer behaviour, the importance of continuing the delivery of free television<sup>26</sup> service and social, economic and cultural general interest objectives. In this context, studies on technical and regulatory conditions for co-existence between incumbent and new spectrum uses in the sub-700 MHz frequency band are necessary. These would ensure coherence between the approaches taken by different Member States on flexible and efficient spectrum use and would enable technical harmonisation measures for use and co-existence in this band. Such studies and measures may be developed pursuant to Decision No 676/2002/EC.</p>	<p>(13) <input type="checkbox"/></p>	<p>Radiocommunication Conference of 2006.</p> <p><i>Reject.</i></p>
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<sup>9</sup> In the meaning of Directive 2010/13/EU of the European Parliament and of the Council (Audiovisual Media Services Directive).

<p>(14) Member States should adopt coherent national roadmaps to facilitate the use of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services while ensuring continuity for the television broadcasting services that vacate the band. Once adopted, Member States should communicate the roadmaps in a transparent manner around the Union. The roadmaps should cover activities and timescales for frequency re-planning, technical developments for network and end-user equipment, co-existence between radio and non-radio equipment, existing and new authorisation regimes and information on the possibility to offer compensation for migration costs, where these would arise, in order to avoid, inter alia, costs for end-users. Where Member States intend to maintain DTT, the roadmaps should give particular attention to facilitating upgrades of broadcasting equipment to more spectrum-efficient technologies such as advanced video formats (e.g. HEVC) or signal transmission technologies (e.g. DVB-T2).</p>	<p style="text-align: center;"><b>AM 20</b></p> <p>(14) Member States should adopt coherent <b>and coordinated</b> national roadmaps to facilitate the use of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services while ensuring continuity for the television broadcasting services that vacate the band. Once adopted, Member States should communicate the roadmaps in a transparent manner around the Union. The roadmaps should cover activities and timescales for frequency re-planning, technical developments for network and end-user equipment, co-existence between radio and non-radio equipment, existing and new authorisation regimes, <b>mechanisms to avoid harmful interference to spectrum users in adjacent bands</b> and information on the possibility to offer compensation for migration costs, where these would arise, in order to avoid, inter alia, costs for end-users. Where Member States intend to maintain DTT, the roadmaps should give particular attention to facilitating upgrades of broadcasting equipment to more spectrum-efficient technologies such as advanced video formats (e.g. HEVC) or signal transmission technologies (e.g. DVB-T2).</p>	<p>(14) Member States should adopt coherent national roadmaps to facilitate the use of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services while ensuring continuity for the television broadcasting services that vacate the band. Once adopted, Member States should communicate the roadmaps in a transparent manner around the Union. The roadmaps should cover activities and timescales for frequency re-planning, technical developments for network and end-user equipment, co-existence between radio and non-radio equipment, existing and new authorisation regimes and information on the possibility to offer compensation for migration costs, where these would arise, in order to avoid, inter alia, costs for end-users <b>or broadcasters</b>. Where Member States intend to maintain DTT, the roadmaps should [] <b>consider the option of</b> facilitating upgrades of broadcasting equipment to more spectrum-efficient technologies such as advanced video formats (e.g. HEVC) or signal transmission technologies (e.g. DVB-T2).</p>	<p><i>Accept, in part.</i></p> <p>(14) Member States should adopt coherent national roadmaps to facilitate the use of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services while ensuring continuity for the television broadcasting services that vacate the band. Once adopted, Member States should communicate the roadmaps in a transparent manner around the Union. The roadmaps should cover activities and timescales for frequency re-planning, technical developments for network and end-user equipment, co-existence between radio and non-radio equipment, existing and new authorisation regimes, <b>mechanisms to avoid harmful interference to spectrum users in adjacent bands</b> and information on the possibility to offer compensation for migration costs, where these would arise, in order to avoid, inter alia, costs for end-users <b>or broadcasters</b>. Where Member States intend to maintain DTT, the roadmaps should <b>consider the option of</b> facilitating upgrades of broadcasting equipment to more spectrum-efficient technologies such as advanced video formats (e.g. HEVC) or signal transmission technologies (e.g. DVB-T2).</p>
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<p>(15) The scope and mechanism of possible compensation for completing the transition in spectrum use within the 470-790 MHz frequency band should be analysed in accordance with the relevant national provisions as provided by Article 14 of Directive 2002/20/EC<sup>10</sup>, and have to be consistent with the provisions of Articles 107 and 108 TFEU.</p>	<p><b>AM 21</b></p> <p>(15) The scope and mechanism of possible compensation for completing the transition in spectrum use within the 470-790 MHz frequency band should be analysed in accordance with the relevant national provisions as provided by Article 14 of Directive 2002/20/EC<sup>27</sup>, and have to be consistent with the provisions of Articles 107 and 108 TFEU. <b><i>In this regard, given the high value of the band for wireless broadband use, Member States should take advantage of revenues from award procedures or other fees, which could be expected to exceed migration costs significantly. The Commission should be able to provide guidance to Member States on adequate and prompt compensation, in order to facilitate the transition in spectrum use. Member States should, in particular, take into account the importance of prompt compensation for end-users.</i></b></p>	<p>(15) The scope and mechanism of possible compensation for completing the transition in spectrum use [] should be analysed in accordance with the relevant national provisions as provided by Article 14 of Directive 2002/20/EC<sup>(10)</sup>, and have to be consistent with the provisions of Articles 107 and 108 TFEU.</p>	<p><i>Reject.</i></p>
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<sup>10</sup> Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) (OJ L 108, 24.04.2002, p. 21)



<p>(16) Since the objective of this Decision, namely to ensure coordinated transition in spectrum use of the 470-790 MHz frequency band in the Union according to common objectives, cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective,</p>		<p>(16) Since the objective of this Decision, namely to ensure a coordinated <input type="checkbox"/> <b>approach</b> to spectrum use of the 470-790 MHz frequency band in the Union according to common objectives, cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective,</p>	<p><i>Keep Council text.</i></p>
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<p>HAVE ADOPTED THIS DECISION:</p>	<p><i>Article 1</i></p>	<p>(1) By 30 June 2020, Member States shall allow the use of the 694-790 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services only under harmonised technical conditions set by the Commission pursuant to Article 4 of Decision 676/2002/EC. Where necessary, Member States shall carry out the authorisation process or amend relevant existing rights to use the spectrum in accordance with Directive 2002/20/EC, in order to allow that use.</p>	<p><i>Article 1</i></p> <p><b>AM 22</b></p> <p>(1) By 30 June 2020, Member States shall allow the use of the 694-790 ("700 MHz") MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services only under harmonised technical conditions set by the Commission pursuant to Article 4 of Decision 676/2002/EC. <i>Member States may, however, delay the making available of the band for up to two years on the basis of duly justified reasons in accordance with the Annex. Where a Member State does so, it shall inform other Member States and the Commission accordingly and shall include those duly justified reasons in its national roadmap adopted pursuant to Article 5.</i> Where necessary, Member States shall carry out the authorisation process or amend relevant existing rights to use the spectrum in accordance with Directive 2002/20/EC, in order to allow that use.</p>
<p>HAVE ADOPTED THIS DECISION:</p>	<p><i>Article 1</i></p>	<p>(1) By 30 June 2020, Member States shall allow the use of the 694-790 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services only under harmonised technical conditions set by the Commission pursuant to Article 4 of Decision 676/2002/EC. <b>Member States may decide, for duly justified reasons, to delay the availability of the band by up to two years. Where Member States decide to delay the availability of the band, they shall inform other Member States and the Commission in the national roadmap provided for in Article 5.</b> Where necessary, Member States shall carry out the authorisation process or amend relevant existing rights to use the spectrum in accordance with Directive 2002/20/EC, in order to allow that use.</p>	<p><i>Article 1</i></p> <p><i>Accept, in part.</i></p> <p>(1) By 30 June 2020, Member States shall allow the use of the 694-790 ("700 MHz") MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services only under harmonised technical conditions set by the Commission pursuant to Article 4 of Decision 676/2002/EC. <u>Member States may, however, delay the making available of the band for up to two years on the basis of duly justified reasons. Where a Member State does so, it shall inform other Member States and the Commission accordingly and shall include those duly justified reasons in its national roadmap adopted pursuant to Article 5.</u> Where necessary, Member States shall carry out the authorisation process or amend relevant existing rights to use the spectrum in accordance with Directive 2002/20/EC, in order to allow that use.</p>

	<p><i>Member States that delay the use of the 700 MHz frequency band under the first subparagraph shall cooperate with neighbouring Member States with a view to coordinating the process of releasing the band for wireless broadband electronic communications services and include information on such coordination in its national roadmap adopted pursuant to Article 5.</i></p>		<p><i>Accept, in part.</i></p> <p><u><i>Member States that delay the use of the 700 MHz frequency band under the first subparagraph and the affected Member States shall cooperate with a view to coordinating the process of releasing the band for wireless broadband electronic communications services and include information on such coordination in the national roadmaps adopted pursuant to Article 5.</i></u></p>
<p>(2) In order to allow the use of the 694-790 MHz frequency band in accordance with paragraph 1, Member States shall by 31 December 2017 conclude all necessary cross-border frequency coordination agreements within the Union.</p>	<p>(2) In order to allow the use of the 694-790 MHz frequency band in accordance with paragraph 1, Member States shall by 31 December 2017 conclude all necessary cross-border frequency coordination agreements within the Union.</p>	<p>(2) In order to allow the use of the 694-790 MHz frequency band in accordance with paragraph 1, Member States shall by 31 December 2017 conclude all necessary cross-border frequency coordination agreements within the Union.</p>	<p><i>Accept (texts identical).</i></p>

<p>(3) Member States shall not be bound by the obligations under paragraphs 1 and 2 in geographical areas where frequency coordination with non-Union countries remains unresolved, as long as Member States make all practicable efforts to minimise the duration and geographical scope of such unresolved coordination and annually report the results to the Commission until the outstanding coordination issues have been resolved. This paragraph shall also apply to the spectrum coordination problems in the Republic of Cyprus arising from the fact that the Government of Cyprus is prevented from exercising effective control in part of its territory.</p>	<p>(3) Member States shall not be bound by the obligations under paragraphs 1 and 2 in geographical areas where frequency coordination with non-Union countries remains unresolved, as long as Member States make all practicable efforts to minimise the duration and geographical scope of such unresolved coordination and annually report the results to the Commission until the outstanding coordination issues have been resolved. This paragraph shall also apply to the spectrum coordination problems in the Republic of Cyprus arising from the fact that the Government of Cyprus is prevented from exercising effective control in part of its territory.</p>	<p>(3) Member States shall not be bound by the obligations under paragraphs 1 and 2 in geographical areas where frequency coordination with non-Union countries remains unresolved, as long as Member States make all practicable efforts to minimise the duration and geographical scope of such unresolved coordination and annually report the results to the Commission until the outstanding coordination issues have been resolved. This paragraph shall also apply to the spectrum coordination problems in the Republic of Cyprus arising from the fact that the Government of Cyprus is prevented from exercising effective control in part of its territory.</p>	<p><i>Accept (texts identical).</i></p>
<p><b>AM 23</b></p>	<p><b><i>(3 a) This Decision is without prejudice to the right of Member States to organise and use their spectrum for the purposes of public order, public security and defence.</i></b></p>	<p><b>(3a) This Decision is without prejudice to the right of Member States to organise and use their spectrum for the purposes of public order, public security and defence.</b></p>	<p><i>Accept (EP and Council positions identical).</i></p>

<p><i>Article 2</i></p> <p>By 30 June 2022, Member States shall allow the transfer or leasing of the rights of use of spectrum for electronic communications services in the 694-790 MHz frequency band.</p>		<p><i>Article 2</i></p> <p><b>AM 24</b></p> <p>Member States shall allow the transfer or leasing of the rights of use of spectrum for <i>terrestrial systems capable of providing wireless broadband</i> electronic communications services in the 700 MHz frequency band, <i>in accordance with open and transparent procedures, as from the date of the granting of such rights.</i></p>	<p><input type="checkbox"/> <b>On the granting of the rights of use in the 694-790 MHz band for terrestrial systems capable of providing wireless broadband electronic communications services,</b> Member States shall allow their transfer or leasing <input type="checkbox"/>.</p>	<p><i>Article 2</i></p> <p><i>Accept, in part.</i></p> <p><b><u>On the granting of the rights of use in the 700 MHz band for terrestrial systems capable of providing wireless broadband electronic communications services,</u></b> Member States shall allow their transfer or leasing <i>in accordance with applicable EU legislation.</i></p>
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<p><i>Article 3</i></p> <p>When Member States authorise the use of the 694-790 MHz frequency band or amend existing rights to use the 694-790 MHz frequency band, they shall take all necessary measures to ensure a high-quality level of coverage of their population and territory at speeds of at least 30 Mb/s, both indoors and outdoors, including in pre-determined national priority areas where necessary, and along major terrestrial transport paths. Such measures may include conditions facilitating or encouraging sharing network infrastructure or spectrum in compliance with Union law.</p>	<p><i>Article 3</i></p> <p><b>AM 25</b></p> <p>1. When Member States authorise the use of the 700 MHz frequency band or amend existing rights to use the 700 MHz frequency band, they shall take all necessary measures to ensure a <b>consistent and continuous</b> high-quality level of coverage of their <b>entire</b> population and territory, <b>at the fastest possible broadband</b> speeds, and at least 30 Mb/s both indoors and outdoors, including <b>coverage</b> in pre-determined national priority areas where necessary, and along major terrestrial transport paths, <b>for the purpose of allowing wireless applications and European leadership in new digital services to contribute effectively to Union economic growth.</b> <b>In addition, Member States may take due account of the opportunity to ensure that Mobile Virtual Network Operators (MVNOs) are able to obtain wholesale access to spectrum and of the opportunity to increase the geographical coverage of MVNOs.</b> Such measures may include conditions facilitating or encouraging sharing network infrastructure or spectrum in compliance with Union law.</p>	<p><i>Article 3</i></p> <p>When Member States authorise the use of the 694-790 MHz frequency band or amend existing rights to use the 694-790 MHz frequency band, they shall take <b>due account of the opportunity to increase the level and quality of services and [] coverage of their population and territory [] through services deployed in the band. This may include measures aimed at services in pre-determined national priority areas where necessary, [] e.g. along major terrestrial transport [] routes.</b> Such measures may include conditions facilitating or encouraging sharing network infrastructure or spectrum in compliance with Union law.</p>	<p><i>Article 3</i></p> <p><i>Accept, in part.</i></p> <p>1. When Member States authorise the use of or amend existing rights to use the 700 MHz frequency band, they shall take <b>due account of the opportunity to ensure a consistent and continuous</b> high-quality level of coverage of their population and territory, <b>at fast broadband</b> speeds, including <b>coverage</b> in pre-determined national priority areas where necessary, <b>e.g.</b> along major terrestrial transport paths <b>for the purpose of allowing wireless applications and European leadership in new digital services to contribute effectively to Union economic growth.</b> Such measures may include conditions facilitating or encouraging sharing network infrastructure or spectrum in compliance with Union law.</p>
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<p>To that end, Member States shall assess and consult on the need to attach conditions to the rights of use for frequencies within the 694-790 MHz frequency band.</p>	<p><i>The Commission shall facilitate, where feasible, the option of jointly organised auctions, thus contributing to pan-European structures.</i></p> <p><b>AM 26</b></p> <p><b>2. In order to fulfil the obligations laid down in paragraph 1,</b> Member States shall assess and consult on the need to attach conditions to the rights of use for frequencies within the 700 MHz frequency band.</p>	<p>To that end, Member States shall assess and, <b>where appropriate,</b> consult <b>with relevant stakeholders</b> on the need to attach conditions to the rights of use for frequencies within the 694-790 MHz frequency band.</p>	<p><i>Reject.</i></p>
		<p>Accept, <i>in part.</i></p> <p><b>2. In applying paragraph 1,</b> Member States shall assess and, <b>where appropriate,</b> consult <b>with relevant stakeholders</b> on the need to attach conditions to the rights of use for frequencies within the <b>700</b> MHz frequency band.</p>	

<p><i>Article 4</i></p> <p>(1) Member States shall ensure availability of the 470-694 MHz frequency band or parts of the band for the terrestrial provision of audiovisual media services to mass audiences, including free television, and for use by wireless audio PMSE equipment, based on national broadcasting needs. Member States shall ensure that any other use of the 470-694 MHz frequency band on their territory does not cause harmful interference with the terrestrial provision of audiovisual media services in a neighbouring Member State.</p>	<p><i>Article 4</i></p> <p><b>AM 27</b></p> <p>1. Member States shall ensure availability <i>until 2030</i> of the 470-694 MHz frequency band for the terrestrial provision of <i>broadcasting</i> services to mass audiences, including free television and <i>innovative user-driven initiatives</i>, and for use by wireless audio PMSE equipment, based on national broadcasting needs <i>and taking into account the principle of technological neutrality. In this regard, Member States shall promote cooperation between broadcasters, broadcasting operators and mobile operators in order to facilitate convergence</i> of audiovisual and <i>internet platforms and shared spectrum use.</i></p> <p><i>Each Member State shall ensure that any other use of the 470-694 MHz frequency band on its territory is compatible with its national broadcasting needs and does not cause harmful interference with the terrestrial provision of broadcasting services in a neighbouring Member State.</i></p>	<p><i>Article 4</i></p> <p><input type="checkbox"/> Member States shall ensure availability <b>at least until 2030</b> of the 470-694 MHz frequency band <input type="checkbox"/> for the terrestrial provision of <b>broadcasting</b> services <input type="checkbox"/>, including free television and for use by wireless audio PMSE equipment, based on national <input type="checkbox"/> needs. Member States shall ensure that any other use of the 470-694 MHz frequency band on their territory <b>is compatible with the national broadcasting needs in the relevant Member State and does not cause harmful interference to, nor claim protection from, <input type="checkbox"/> the terrestrial provision of <input type="checkbox"/> broadcasting services in a neighbouring Member State. Such use shall be without prejudice to obligations resulting from international agreements, such as cross-border frequency coordination agreements.</b></p>	<p><i>Article 4</i></p> <p><i>Keep Council text, with addition.</i></p> <p>Member States shall ensure availability <b>at least until 2030</b> of the 470-694 MHz frequency band for the terrestrial provision of <b>broadcasting</b> services, including free television and for use by wireless audio PMSE equipment, based on national needs <b>while taking into account the principle of technological neutrality.</b> Member States shall ensure that any other use of the 470-694 MHz frequency band on their territory <b>is compatible with the national broadcasting needs in the relevant Member State and does not cause harmful interference to, nor claim protection from, the terrestrial provision of broadcasting services in a neighbouring Member State. Such use shall be without prejudice to obligations resulting from international agreements, such as cross-border frequency coordination agreements.</b></p>
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<p>(2) If Member States authorise the use of spectrum in the 470-694 MHz frequency band for terrestrial systems capable of providing electronic communication services other than television broadcasting networks, such use shall be limited to downlink-only. Such use shall be without prejudice to obligations resulting from international agreements and Union law.</p>	<p><b>AM 28</b></p> <p>2. If Member States authorise the use of spectrum in the 470-694 MHz frequency band for terrestrial systems capable of providing electronic <b>communications</b> services other than television broadcasting networks, such use shall <b>take into consideration the national needs for distribution of broadcasting services to mass audiences</b>. Such use shall be without prejudice to obligations resulting from international agreements, <b>such as cross-border frequency coordination agreements</b>, and Union law.</p>	<p>□</p>	<p><i>Reject.</i></p>
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<p><i>Article 5</i></p> <p>By 30 June 2017, Member States shall adopt and make public their national plan and schedule ('national roadmap') for fulfilling their obligations under Articles 1 and 4 of this Decision.</p>	<p><i>Article 5</i></p> <p><b>AM 29</b></p> <p><b><i>1. As soon as possible and in any event no later than 30 June 2018,</i></b> Member States shall adopt and make public their national plan and schedule ('national roadmap'), <b><i>including detailed steps</i></b> for fulfilling their obligations under Articles 1 and 4 of this Decision. <b><i>They shall draw up those national roadmaps ensuring the participation of all relevant stakeholders.</i></b></p> <p><b><i>In the event that a Member State delays allowing use of the 700 MHz frequency band beyond 30 June 2020, its national roadmap shall include duly justified reasons in accordance with Article 1(1). The RSPG shall issue an opinion on any national roadmap envisaging such a delay.</i></b></p>	<p><i>Article 5</i></p> <p>By 30 June 201[ ]8, Member States shall adopt and make public their national plan and schedule ('national roadmap') for fulfilling their obligations under Articles 1 and 4 of this Decision.</p>	<p><i>Article 5</i></p> <p><i>Accept, in part.</i></p> <p><b><i>1. As soon as possible and no later than 30 June 2018,</i></b> Member States shall adopt and make public their national plan and schedule ('national roadmap'), <b><i>including detailed steps</i></b> for fulfilling their obligations under Articles 1 and 4 of this Decision. <b><i>They shall draw up those national roadmaps by consulting with all relevant stakeholders.</i></b></p>
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<p>In order to ensure that the use of the 694-790 MHz frequency band is in accordance with paragraph 1 of Article 1, Member States shall include in their national roadmaps, where appropriate, information on measures to limit the impact of the forthcoming transition process on the public and users of wireless audio PMSE equipment and to facilitate the timely availability of interoperable television broadcasting network equipment and receivers in the internal market.</p>	<p><b>AM 30</b></p> <p>2. In order to ensure that the use of the 700 MHz frequency band is in accordance with paragraph 1 of Article 1, Member States shall include in their national roadmaps, where appropriate, information on measures, <b>including support measures</b>, to limit the impact of the forthcoming transition process on the public and users of wireless audio PMSE equipment and to facilitate the timely availability of interoperable television broadcasting network equipment and receivers in the internal market.</p>	<p>In order to ensure that the use of the 694-790 MHz frequency band is in accordance with paragraph 1 of Article 1, Member States shall include in their national roadmaps, where appropriate, information on measures to limit the impact of the forthcoming transition process on the public and users of wireless audio PMSE equipment and to facilitate the timely availability of interoperable television broadcasting network equipment and receivers in the internal market.</p>	<p><i>Accept.</i></p>
	<p><b>Article 5 a</b></p>	<p><b>Article 5(a)</b></p>	
	<p><b>AM 31</b></p> <p>1. <b>Member States may, where appropriate and in accordance with Union law, ensure that the direct cost, in particular for end-users, of migration or reallocation of spectrum use is compensated adequately, promptly, and in a transparent manner, in order to facilitate the transition in spectrum use to more spectrum-efficient technologies such as DVB-T2 or HEVC.</b></p> <p>2. <b>In cooperation with Member States, the Commission may provide guidance to Member States on compensation, in order to facilitate the transition in spectrum use.</b></p>	<p><b>Member States may, where appropriate and in conformity with Union law, ensure that the direct cost of migration or reallocation of spectrum usage is adequately compensated in accordance with national law.</b></p>	<p><i>Accept, in part.</i></p> <p><u>1. Member States may, where appropriate and in accordance with Union law, ensure that the direct cost, in particular for end-users, of migration or reallocation of spectrum use is compensated adequately, promptly, and in a transparent manner.</u></p> <p><u>2. The Commission may provide guidance on such compensation to a Member State, on its request, in order to facilitate the transition in spectrum use.</u></p>

<p><i>Article 6</i></p> <p>By 1 January 2025, the Commission, in cooperation with the Member States, shall carry out an assessment and report to the Council and Parliament on developments in the use of the 470-694 MHz frequency band, taking into account the social, economic, cultural and technological aspects affecting the use of the band pursuant to Articles 1 and 4. The report shall assess whether it is necessary to change the use of the 470-694 MHz frequency band, or any part of it, in the Union.</p>	<p><i>Article 6</i></p> <p><b>AM 32</b></p> <p>By 1 January 2023, the Commission, in cooperation with the Member States, shall carry out an assessment and report to the Council and Parliament on developments in the use of the 470-960 MHz frequency band, <i>with a view to developing a common position on the review of that frequency band at the World Radiocommunication Conference in 2023. The assessment shall take into account the social, economic, cultural and technological aspects affecting the use of the band pursuant to Articles 1 and 4, further technological developments, changes in consumer behaviour but also the requirements in connectivity to foster growth and innovation in the Union.</i> The report shall assess whether it is necessary to change the use of the 470-694 MHz frequency band, or any part of it, in the Union.</p>	<p><i>Article 6</i></p> <p>□</p>	<p><i>Article 6</i></p> <p><i>Reject.</i></p>
<p><i>Article 7</i></p> <p>This Decision shall enter into force on the 20th day following that of its publication in the <i>Official Journal of the European Union</i>.</p>	<p><i>Article 7</i></p> <p>This Decision shall enter into force on the 20th day following that of its publication in the <i>Official Journal of the European Union</i>.</p>	<p><i>Article 7</i></p> <p>This Decision shall enter into force on the 20th day following that of its publication in the <i>Official Journal of the European Union</i>.</p>	<p><i>Article 7</i></p> <p><i>Keep text.</i></p>

<p>Article 8</p> <p>This Decision is addressed to the Member States.</p>	<p>Article 8</p>	<p>Article 8</p> <p>This Decision is addressed to the Member States.</p>	<p>Article 8</p> <p>Keep text.</p>
<p>Done at Brussels,</p>	<p><b>AM 33</b> <b>Annex</b></p> <p><i>Justified reasons for a delay in making available the 700 MHz frequency band for terrestrial systems capable of providing wireless broadband electronic communications services later than 30 June 2020 (Article 1(1))</i></p> <p><i>Member States may delay making available the 700 MHz frequency band until 30 June 2022 on the basis of one or more of the following duly justified reasons:</i></p> <p><i>(a) unresolved cross-border coordination issues resulting in harmful interferences;</i></p> <p><i>(b) the need to ensure, and the complexity of ensuring, technical migration of a large amount of the population to advanced broadcasting standards;</i></p> <p><i>(c) the financial costs of transition exceeding the expected revenue generated by award procedures;</i></p> <p><i>(d) force majeure.</i></p>	<p>Reject.</p>	<p>Reject.</p>
<p>Done at Brussels,</p>	<p>Done at Brussels,</p>	<p>Done at Brussels,</p>	<p>Done at Brussels,</p>