



2016/0027(COD)

30.5.2016

*****I**

DRAFT REPORT

on the 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
(COM(2016)0043 – C8-0020/2016 – 2016/0027(COD))

Committee on Industry, Research and Energy

Rapporteur: Patrizia Toia

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

| | Page |
|---|-------------|
| DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION..... | 5 |
| EXPLANATORY STATEMENT..... | 20 |

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the 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
(COM(2016)0043 – C8-0020/2016 – 2016/0027(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0043),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0020/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of ...¹,
 - having regard to the opinion of the Committee of the Regions of ...²,
 - having regard to Rules 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on Culture and Education (A8-0000/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a decision
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) Improving the management of spectrum, and of the 700 MHz frequency band in particular, is a precondition for creating a favourable environment for

¹ OJ C xx of ..., p. xx.

² OJ C xx of ..., p. xx.

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.

Or. en

Amendment 2

Proposal for a decision Recital 2 b (new)

Text proposed by the Commission

Amendment

(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 and other services relating to the Internet of Things.

Or. en

Amendment 3

Proposal for a decision Recital 2 c (new)

Text proposed by the Commission

Amendment

(2 c) In its resolution of 19 January 2016 entitled Towards a Digital Single

Market Act^{1a}, the European Parliament reminds the Member States of their commitment to reach, by 2020, 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.

^{1a} *Texts adopted, P8_TA(2016)0009.*

Or. en

Amendment 4

Proposal for a decision

Recital 4

Text proposed by the Commission

(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.

Amendment

(4) For Region 1, which includes the Union, the International Telecommunication Union's Radio Regulations adopted by the World Radiocommunication Conference *in 2015* 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.

Or. en

Amendment 5

Proposal for a decision

Recital 5

Text proposed by the Commission

(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.

Amendment

(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 ***and coordinated*** 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.

Or. en

Amendment 6

Proposal for a decision
Recital 6

Text proposed by the Commission

(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-

Amendment

(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.

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, **and secure their investments**. 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.

Or. en

Amendment 7

Proposal for a decision

Recital 7

Text proposed by the Commission

(7) In his report to the Commission (the 'Lamy report')²², 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.

Amendment

(7) In his report to the Commission (the 'Lamy report'), 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 option" 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***. 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. ***Such scenarios***

should guarantee continued access to spectrum for DTT as the primary user, subject to national demand. This calls for timely study, adoption and dissemination of a harmonised Union approach to supplemental downlink and its co-existence with terrestrial broadcasting services in order to preserve the specificities of the European audiovisual model and at the same time open the door to innovation and new services.

²² 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>.

²² 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>.

Or. en

Amendment 8

Proposal for a decision

Recital 8

Text proposed by the Commission

(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 downlink-only provision of audiovisual media 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.

Amendment

(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. ***Member States should, however, be able to decide on the basis of reasonable grounds to delay the availability of the band for up to two years maximum. 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. Such a coordinated approach*** would be in conjunction with ensuring long-term availability until 2030 of the

sub-700 MHz frequency band for the downlink-only provision of audiovisual media 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.

Or. en

Amendment 9

Proposal for a decision Recital 11

Text proposed by the Commission

(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/EC²⁴.

²⁴ 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).

Amendment

(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/EC²⁴, ***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.***

²⁴ 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).

Or. en

Amendment 10

Proposal for a decision

Recital 12

Text proposed by the Commission

(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 agreement at the Regional Radiocommunication Conference of 2006²⁵.

²⁵ 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.

Amendment

(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, ***in cases where there is no or declining demand for DTT at national level***. 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 agreement at the Regional Radiocommunication Conference of 2006²⁵.

²⁵ 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.

Or. en

Amendment 11

Proposal for a decision

Recital 13

Text proposed by the Commission

(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 television²⁶ 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.

²⁶ In the meaning of Directive 2010/13/EU of the European Parliament and of the Council (Audiovisual Media Services Directive).

Amendment

(13) In any case, spectrum usage in the 470-694 MHz frequency band should be reassessed at Union level ***in time for*** 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 television²⁶ 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.

²⁶ In the meaning of Directive 2010/13/EU of the European Parliament and of the Council (Audiovisual Media Services Directive).

Or. en

Amendment 12

Proposal for a decision

Recital 14

Text proposed by the Commission

(14) Member States should adopt coherent national roadmaps to facilitate the

Amendment

(14) Member States should adopt coherent ***and coordinated*** national

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).

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, ***mechanisms to avoid harmful interference to spectrum users in adjacent bands*** 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. ***Roadmaps should also include detailed steps to be taken in order to ensure the full availability of the 700 MHz frequency band for terrestrial wireless broadband electronic communications services by the deadline laid down in this Decision.*** 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).

Or. en

Amendment 13

Proposal for a decision

Recital 15

Text proposed by the Commission

(15) The scope and mechanism of possible compensation for completing the transition in spectrum use within the 470-

Amendment

(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/EC²⁷, and have to be consistent with the provisions of Articles 107 and 108 TFEU.

²⁷ 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)

790 MHz frequency band should be analysed in accordance with the relevant national provisions as provided by Article 14 of Directive 2002/20/EC²⁷, and have to be consistent with the provisions of Articles 107 and 108 TFEU. ***The Commission should 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.***

²⁷ 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)

Or. en

Amendment 14

Proposal for a decision Article 1 – paragraph 1

Text proposed by the Commission

(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.

Amendment

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. ***Member States may however decide, on the basis of reasonable grounds, to delay the availability of the band for up to two years maximum. Where a Member State decides to delay the availability of the band, it shall inform other Member States and the Commission accordingly.*** 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.

Or. en

Amendment 15

Proposal for a decision Article 2 – paragraph 1

Text proposed by the Commission

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.

Amendment

Member States shall allow the transfer or leasing of the rights of use of spectrum for ***terrestrial systems capable of providing wireless broadband*** electronic communications services in the 694-790 MHz frequency band ***as from the date of the granting of such rights***.

Or. en

Amendment 16

Proposal for a decision Article 3 – paragraph 1

Text proposed by the Commission

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***

Amendment

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 the fastest possible broadband speeds, and*** at least 30 Mb/s both indoors and outdoors, including ***coverage*** in pre-determined national priority areas where necessary, and along major terrestrial transport paths, ***for the purpose of allowing wireless applications and European leadership in new digital***

compliance with Union law.

services to contribute effectively to Union economic growth.

Or. en

Amendment 17

Proposal for a decision

Article 4 – paragraph 1

Text proposed by the Commission

(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.

Amendment

1. Member States shall ensure availability ***until 2030*** of the 470-694 MHz frequency 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. ***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 audiovisual media services in a neighbouring Member State.

Or. en

Amendment 18

Proposal for a decision

Article 4 – paragraph 2

Text proposed by the Commission

(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

Amendment

2. If Member States authorise the use of spectrum in the 470-694 MHz frequency band for terrestrial systems capable of providing electronic communications services other than television broadcasting networks, such use shall be limited to downlink-only ***and shall take into consideration the national needs for***

international agreements and Union law.

distribution of audiovisual media services to mass audiences. Such use shall be without prejudice to obligations resulting from international agreements, *such as cross-border frequency coordination agreements*, and Union law.

Or. en

Amendment 19

Proposal for a decision Article 5 – paragraph 1

Text proposed by the Commission

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.

Amendment

By 30 June **2018**, Member States shall adopt and make public their national plan and schedule ('national roadmap'), *including detailed steps* for fulfilling their obligations under Articles 1 and 4 of this Decision.

Or. en

Amendment 20

Proposal for a decision Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

1. *Member States may, where appropriate and in accordance with Union law, ensure that the direct migration or reallocation costs of spectrum usage are compensated adequately, promptly, and in a transparent manner in accordance with national law.*

2. *In cooperation with Member States, the Commission may provide guidance to Member States on*

compensation, in order to facilitate the transition in spectrum use.

Or. en

Amendment 21

Proposal for a decision Article 6 – paragraph 1

Text proposed by the Commission

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.

Amendment

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 470-694 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.

Or. en

EXPLANATORY STATEMENT

Internet of Things, Cloud, and mobile communication services, the digitisation of industrial sectors (Industry 4.0) and improvement of the efficiency of government departments (e-government). These are but a few examples of connectivity services which are developing rapidly around the world and which therefore call for speed, but also for communications networks that are able to transmit a large amount of data and reach not only densely populated areas, but also remote ones. The completion of the Digital Union also depends on new technologies for transmitting and receiving data, and therefore also on parts of the spectrum that are valuable for wireless communications.

This proposal for a decision, adopted by the Commission on 2 February 2016, is one of the set of measures provided for in the Digital Single Market Strategy COM(2015)192, which include the submission of: 'specific proposals on the coordinated release of the 694-790 MHz band ('700 MHz') band, which is particularly well-suited for ensuring the provision of broadband services in rural areas, while accommodating the specific needs of audiovisual media distribution'.

The aim of the proposal under consideration is to harmonise, at EU level, the allocation of frequencies, to provide businesses and citizens with universal high-speed wireless connectivity.

Availability of a broad radio spectrum is one of the vital prerequisites for the deployment of broadband services. However, the national management of the spectrum results in very different conditions between individual Member States, in terms of the duration of licences and coverage obligations. The management and regulation of this resource therefore need to be changed, to ensure that it is used more efficiently, giving priority to activities that provide more services and better performance for all users.

Given that by 2020, according to some statistics, mobile Internet traffic will increase by eight times compared to today, the capacity of the networks needs to be strengthened: spectrum in the 700 MHz frequency band provides additional capacity and universal coverage, in particular for rural and remote areas, which are challenging in terms of the cost of investment in infrastructure. In this regard, harmonised measures for high-quality wireless coverage should enable the aim of the multiannual EU radio spectrum programme – that all citizens should have access to broadband speeds of not less than 30 Mb/s by 2020 – to be achieved.

Background to the proposal

Wireless connectivity requires access to spectrum in the bands below 1 GHz, which are the most appropriate bands for both wide coverage and high speeds.

The 790-862 MHz ('800 MHz band') was the first portion of the UHF band (470-862 MHz) to be repurposed for wireless broadband services in the Union.

At present, the UHF broadcasting band comprising the range of frequencies from 470 to

790 MHz is used for digital terrestrial television (DTT) and audio programme making and special events (audio PMSE) equipment, essentially wireless microphones.

In 2012, the International Telecommunications Union (ITU) Conference determined that, as of 2015, the 700 MHz band should be allocated to both broadcasting and mobile services in the region including the European Union.

In 2014, the conclusions of the so-called Lamy Report were published. The report recommended that the 700 MHz frequency band be made available for wireless broadband by the end of 2020 (approximately two years), whilst providing safeguards that terrestrial broadcasting would have spectrum access to the sub-700 MHz frequency band up to 2030, although the situation would have to be reviewed by 2025.

A similar opinion was adopted by the Radio Spectrum Policy Group (RSPG), set up by the Commission as having an advisory role on radio spectrum management policies.

In 2015, the same Conference finalised the international negotiations on technical and regulatory parameters for the use of the 700 MHz band and maintained the exclusive allocation of the sub-700 MHz frequency band to the broadcasting service.

Your rapporteur fully endorses the objectives relating to the full deployment of broadband in Europe and the provision of innovative services for citizens and businesses, and supports the Commission proposal, albeit while pointing out that some amendments concerning the following points are required.

Article 1 stipulates that by 30 June 2020, Member States must make available the 694-790 MHz frequency band (the '700 MHz' band) for wireless broadband electronic communications services and that, from that date, only those operators that are capable of providing services in compliance with the technical conditions to be set by the Commission will be allowed to use the band. Given the lack of uniformity noted also by the Lamy Report in the various Member States, your rapporteur considers it advisable to allow for flexibility of up to two years, to enable Member States, for duly justified reasons, to postpone the assignment of the part of the spectrum concerned. In addition, in order for the use of the frequency band in question to be achieved by the date established, Member States will have to conclude all necessary cross-border frequency coordination agreements within the Union by 31 December 2017. This will pave the way for future use of the band without any cross-border interference.

Article 2 states that, by 30 June 2022, Member States must allow the transfer or leasing of the rights of use of spectrum for electronic communications services in the 700 MHz frequency band, thereby making the rights of use tradable. Since the wording of the article could give rise to doubts in interpretation with regard to the addressees of the provision, your rapporteur takes the view that only those who have been granted new rights of use (wireless broadband electronic communications services) should be able to enjoy the rights of use of the spectrum.

Article 3 stipulates that when Member States authorise the use of the band, or amend existing rights, they must take all necessary measures to ensure a high-quality level of coverage at speeds of at least 30 Mb/s, both indoors and outdoors, along major terrestrial transport paths. Your rapporteur agrees with the Commission's position, which seeks to ensure that the

European Union can play a leading role in new and innovative services in order to contribute effectively to economic growth.

Article 4 concerns the 470-694 MHz frequency band (below 700 MHz) and provides that Member States must make that band, or part of it, available for the terrestrial provision of audiovisual media services to mass audiences and for use by wireless audio programme making and special events equipment (PMSE). Your rapporteur welcomes the Commission's decision to maintain the use of the sub-700 MHz frequency band for the provision of audiovisual media services, but also considers it necessary to ensure that broadcasting operators have investment certainty up to 2030, as provided for in the Lamy Report. In any case, this decision will be subject to review at the World Radiocommunication Conference, due to be held in 2023. Any changes should take into consideration technological developments, consumer behaviour, the importance of continuing the delivery of free television service and social, economic and cultural general interest objectives.

As regards Article 5, your rapporteur considers it advisable for Member States to adopt and communicate to the other EU countries, by 30 June 2018, their national roadmaps in order to fulfil their obligations relating to the repurposing of the 700 MHz frequency band for wireless broadband. The granting of a reasonable period of time for the drawing up of the national roadmaps is due to the need to determine in detail the calendar and stages of the transition, also to facilitate the coordination of frequencies between the Member States and to avoid harmful interference.

Your rapporteur also wishes to stress that none of the measures relating to these decisions must be a burden on consumers and therefore calls on the Member States to provide for some form of compensation for the completion of the transition (Article 5a, new).

With regard to Article 6, your rapporteur hopes that the impact assessment relating to this decision is available by 2023, so that the EU can negotiate internationally, with a single voice, also in view of the rapid evolution of the sector and the social, economic, cultural and technological aspects affecting the use of the band or any part of it.