



European Communities

EUROPEAN PARLIAMENT

SESSION DOCUMENTS

English Edition

1 March 1991

A3-0045/91



RECOMMENDATION

of the Committee on Economic and Monetary Affairs and Industrial Policy

on the COMMON POSITION established by the Council with a view to the adoption of a Directive on the frequency band to be designated for the co-ordinated introduction of Digital European Cordless Telecommunications (DECT) in the Community
(C3-13/91 - SYN 277)

Rapporteur : Mr Fernand HERMAN

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

* = Consultation procedure requiring a single reading

**I = Cooperation procedure (first reading)

**II = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

*** = Parliamentary assent which requires the votes of a majority of the current Members of Parliament

PE 148.105/fin.

01. EN

C O N T E N T S

	<u>Page</u>
Procedural Page	3
A. RECOMMENDATION	4
B. EXPLANATORY STATEMENT	5

At its sitting of 12 December 1990 the European Parliament delivered its opinion at first reading on the Commission proposal for a Council Directive on the frequency band to be designated for the co-ordinated introduction of Digital European Cordless Telecommunications (DECT) in the Community.

At the sitting of 24 January 1991 the President of Parliament announced that the common position had been received and referred to the Committee on Economic and Monetary Affairs and Industrial Policy as the committee responsible and to the Committee on Energy, Research and Technology for its opinion.

At its meetings of 29-30 January 1991 and 27 February-1 March 1991 the Committee on Economic and Monetary Affairs and Industrial Policy considered the common position and the draft recommendation.

At the meeting of 27 February 1991 it adopted the following recommendation unanimously.

The following took part in the vote: Beumer, chairman, Desmond, 1st vice-chairman, de Montesquiou, 3rd vice-chairman, Herman, rapporteur, P. Beazley, Bofill, Cassidy, Cox, Cravinho, Dessylas, Donnelly, Fitzgerald (for Ruiz Mateos), Lataillade, Metten, Mottola (for Iodice), Patterson, Pinxten, Read, Ribeiro, Rogalla, Sboarina, Siso Cruellas, A. Smith (for Seal), Speciale.

This recommendation was tabled on 1 March 1991.

The deadline for tabling amendments to the common position or proposals to reject it will appear on the draft agenda for the part-session at which the recommendation is to be considered .

A

RECOMMENDATION

(Cooperation procedure : second reading)

on the common position established by the Council
with a view to the adoption of a directive
on the frequency band to be designated for the
co-ordinated introduction of Digital European Cordless Telecommunications
(DECT) (COM(90)139¹ + COM(90)677²)

The Committee on Economic and Monetary Affairs and Industrial Policy,

- having regard to the common position of the Council (C3-13/91 - SYN 277)

Recommends that the European Parliament amend the common position as follows :

Common position of the Council

Amendment 1

Article 3

- | | |
|---|---|
| 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1991. They shall forthwith inform the Commission thereof. | 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1991. They shall forthwith inform the Commission thereof. |
| 2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States. | 2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States. |
| | 3. <u>Member States shall communicate to the Commission the text of any national law which they adopt in the field governed by this Directive.</u> |

¹ OJ No C 187, 27.07.1990, p. 5

² OJ No. C 9, 15.01.1991, p. 3

B.

EXPLANATORY STATEMENT

Background

1. The Commission's recent proposal for the coordinated introduction of Digital European Cordless Telecommunications (COM (90) 139/fin.) consisted of a draft recommendation setting out the necessary guidelines and a draft directive providing for the designation of a common frequency band for DECT usage.
2. In examining the Commission's proposals on 11 December 1990 the European Parliament adopted two amendments to the draft recommendation, on which it only had a single reading. The first amendment sought to introduce a specific reference in the recommendation to the need for an appropriate tariff strategy at European level. The second amendment sought to ensure provision for consultation of telecommunications organizations, users, consumers, manufacturers, service providers and the trade unions, and also to ensure information be provided to the European Parliament at least on an annual basis.
3. On the other hand the Parliament did not amend the draft directive on frequency allocation for DECT usage, on which it had two readings. Concern was expressed by certain French members, however, that there was a clash between the proposed DECT frequencies and frequencies used by the French military. The Commission undertook to suggest a compromise text which would minimise this problem by providing for existing services to continue within the allocated frequency band for DECT if there were no interference with DECT services.
4. The Council's common position on the draft directive was adopted on 13 December 1990. Only a few changes were made to the Commission's original proposal. The DECT definition was changed in Article 1, and the important reference to the need for users of a service based on the DECT system to be able to gain access to the service in any other Member State was moved from Article 1 to the seventh recital.

The Council also took account of the problem of clashing frequencies by adding a new recital (new 12th recital) that existing services may continue in the DECT frequency band, "providing that they do not interfere with DECT systems that may be established according to commercial demand".

Another recital (the 14th) was also added by the Council, so that the possible need for additional DECT frequency spectrum should be borne in mind in the preparations for the 1991 World Administrative Radio Conference (WARC).

The above amendments were all mentioned by the Council in its document accompanying the common position ("the Council's Reasons). Another change, however, is not referred to in the Council's Reasons, namely the modification that was made by the Council to Article 3, which provides

for adoption of the necessary implementing laws, regulations and administrative measures by the Member States.

The Commission's original text had stated that (second paragraph of Article 3.1) "any measures adopted pursuant to the first subparagraph shall make express reference to this Directive".

The Council's new text in Article 3.2 spells out this requirement in a different wording, and with the methods of making such a reference being laid down by the Member States. The Commission's original Article 3.2, however, had stated that "Member States shall communicate to the Commission the text of any national law which they adopt in the field governed by this Directive". This requirement has been deleted in the common position.

5. Besides adopting the common position on the draft Directive the Council also reached a consensus on the draft recommendation on which Parliament had tabled its two amendments. The Council's Reasons state that the Council had agreed to await the completion of the cooperation procedure on the Directive before formally adopting the recommendation. In their "consensus" on the latter they accepted Parliament's second amendment extending the scope of consultation, but not Parliament's first amendment on a European tariff strategy : the Commission's communication on the common position (SEC (90) 118/fin.) of 18 January 1991 says that the Council did not accept this latter amendment "because the adequate dispositions concerning tariffication were already inserted in the Annex to the Recommendation".

Your rapporteur's recommendations

6. Your rapporteur accepts the substantive changes that have been made by the Council to the draft Directive, including the new recital providing for a compromise on the issue of clashing frequencies.

Your rapporteur considers, however, that the Commission's original text of Article 3-2, providing for Member States to communicate to the Commission the text of any national law which they adopt in the field governed by this Directive should be reinserted. The reference that has survived in Article 3-1 to the need to inform the Commission is insufficient, and your rapporteur has thus reintroduced the original wording in Amendment 1.

7. As regards the recommendation your rapporteur welcomes the fact that the Council has accepted Parliament's second amendment, and has postponed adoption of a recommendation until after Parliament's second reading on the draft Directive. He regrets, however, that the Council has not accepted the need for an explicit reference to a European tariff strategy in the recommendation itself rather than evasively referred to in an Annex. He would ask the Council, therefore, to think again, and to incorporate Parliament's amendment on this subject in the finally adopted text of the recommendation.