

European Communities

EUROPEAN PARLIAMENT

Working Documents

1983-1984

19 October 1983

DOCUMENT 1-877/83

MOTION FOR A RESOLUTION

tabled by Mrs PHLIX, Mr GHERGO, Mr ESTGEN, Mr VANDEWIELE,
Mr HAHN, Mr MARCK, Mr POTTERING and Mr KLEPSCH

on behalf of the Group of the European People's Party
(Christian Democratic Group)

pursuant to Rule 47 of the Rules of Procedure

on the harmonization of legislation on advertising in
the Member States

The European Parliament,

- A. having regard to the development of modern media,
- B. having regard to the growing interest in all Member States in the development of a 'European television network',
- C. having regard to the importance of advertising in funding operations,
- D. having regard to the cross-border character of the new technologies used in this field (i.e. cable and satellite),
- E. whereas it would be appropriate to harmonize advertising legislation,
- F. whereas harmonization in this area would be in the interests of consumers and of improved consumer protection,
- G. whereas such harmonization would contribute to achieving the objectives of the Treaty of Rome, particularly the development of a common internal market,

Requests the Commission:

- 1. To carry out an exhaustive survey of existing national legislation on advertising in general and advertising on television in particular;
- 2. To make the necessary proposals for the harmonization of national legislation on the basis of the results obtained;
- 3. Instructs its President to forward this resolution to the Commission and Council.

O P I N I O N

of the Committee on Economic and Monetary Affairs

Draftsman: Mr E. Van Rompuy

At its meeting of 21/22 September 1982, the Committee on Economic and Monetary Affairs appointed Mr Van Rompuy draftsman of the opinion.

The committee considered the draft opinion at its meeting of 21-23 November 1983 and adopted the conclusions contained therein on that date on a unanimous vote with 1 abstention.

The following took part in the vote :

Mr MOREAU (Chairman); Mr HOPPER (Vice-chairman); Mr van ROMPUY (Draftsman); Mr BEAZLEY; Mr CARROSSINO; Mr HALLIGAN (replacing Mr OGERS); Mr HEINEMANN; Mr NORDMANN; Mr NYBORG; Mr PAPANTONIOU; Mr OGALLA (replacing Mr SCHINZEL); Mr van den HEUVEL; Mr von WOGAU; Mr WELSH

The report was tabled on the 24 November 1983

The Committee on Economic and Monetary Affairs

1. Points out the great potential offered by the rapid technological developments in the telecommunications sector; stresses, however, that a coherent European policy is needed for both the European consumer and industry to obtain maximum benefit from this technological evolution, which will ultimately transform the domestic television receiver into a sort of terminal;
2. Notes that the laying down of European standards, which are of vital importance to the competitiveness of European industry, poses great problems and that progress is only being made very slowly; furthermore, draws attention to European industry's very weak competitive position if its products do not comply with the current standards for non-European products, which are flooding the market; urges therefore that the utmost efforts be made in order to lay down international standards;
3. Believes that cooperation in the field of space policy within the framework of the European Space Agency is reasonably good as long as it concerns research and development projects and that it is as a result of this cooperation that Europe is now competitive and independent in respect of launchers; stresses, however, that the ARIANE research programme must be continued and that a heavy launcher must be developed in order to guarantee Europe's competitiveness and independence in this field in the medium-term too;
4. Repeats its call, made in Parliament's resolution on European space policy¹, for a Commission report on Community activities in the field of space research and development, taking into account the consequences for technological innovation within European industry and indicating the possible funding requirements out of the Community budget and other sources;
5. Underlines the urgent need for cooperation between the European manufacturers in the satellite market, both in research and in production and marketing; calls on the Commission to ensure that the regrouping of European satellite manufacturers results in the desired cooperation;

¹ Doc. 1-326/81, resolution adopted at the plenary sitting of 18 September 1981, OJ C 260, 12 October 1981, p. 102

1. Draws attention to the enormous potential market which will develop from rapid expansion of available broadcasting time following the introduction of cable and satellite television on a massive scale and considers that this is an important source of potential employment and a major growth industry; calls on the Commission to urgently examine the implications of this development with a view to ensuring that European production companies can take advantage of this opportunity so that European productions made by European technicians can capture an appropriate share of this expanding market;
7. Points out also the possibility of setting up a truly European news service as a result of satellite broadcasting and that the Commission should take the necessary initiatives to bring about the requisite cooperation between the national broadcasting services and, possibly, to provide material on the Community;
8. Stresses the importance of laying down European standards for the new generation of television and finds the chaotic implementation of the videotex standard in the Member States regrettable; points out that the problems resulting from the differing standards are lessened to a certain extent by the system of cable network distribution that is now gradually being introduced in most Member States; advocates therefore the rapid expansion of cable networks in the Member States;
9. Urges, however, that agreement be reached as soon as possible, within the framework of the European Broadcasting Union, on a European code for television broadcasts by satellite and that the agreement on the C-MAC-PACKETS code, which could substitute progressively the existing code systems (PAL and SECAM), be signed by all Member States without delay;
10. Notes that, as a result of the non-compliance of European manufactured video equipment with the usual Japanese standards, the competitive position of European industry is extremely weak; points out that the only way to capture non-European markets is to lay down international standards, or, failing that, to gear production to the usual non-European standards; notes the inaction of the Commission, which, in response to a written question, said that it was aware that there was indeed no European video recording system available on non-European markets, but does not intend to take action in this field; calls on the Commission to take the necessary initiatives to achieve standardization if the standardization institutions are unsuccessful in this;

11. Notes that the Member States' differing regulations governing Citizens' Band radio give rise to difficulties for trans-frontier trade within the Community; believes that such barriers at borders are incompatible with Article 30 of the EEC Treaty; calls on the Commission to ensure standardization in this field, on the basis of a standard laid down by the European standards institutions, in order to remove these barriers to intra-Community trade;
12. Considers that the relative merits of FM and AM systems have not been sufficiently considered in public fora and requests the Commission to produce a report for the Parliament comparing the two systems.
13. Draws attention to the Court of Justice's opinions on the decision-making powers of national legislative bodies in laying down legal provisions for the media and for copyright rules;
14. Draws attention, however, to the fact that as a result of direct television broadcasting by satellite the Member States would lose control over the programmes that could be received within their territory (since the reception area for these broadcasts would extend beyond national borders); this problem would certainly be less serious if satellite broadcasts were mainly received via cable distribution networks, over which the Member States could still exercise strict control; if the technical standards applied by a Member State to the programmes which could be received within its territory were too strict, the Member State could not however prevent its citizens from receiving satellite broadcasts via their own aerials;
15. Points out that direct television broadcasting by satellite may result in a Member State's media-related legislation being circumvented, thus distorting competition and altering trade flows; calls therefore as a matter of urgency for the harmonization of the regulations relating to the media, more particularly advertising and copyright at European level, in order to ensure the proper functioning of the common market;
16. Reserves the right to return to this topic in the light of the 'Green paper', which has been announced by the Commission, on the gradual establishment of a common television market.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Draftsman : Mr Marc Fischbach

On 24 November 1982, the Legal Affairs Committee appointed Mr Fischbach draftsman of the opinion.

The committee considered the draft opinion at its meeting of 20/21 September 1983. It approved the conclusions (IV) on 19 October 1983 by 6 votes to 3, with 1 abstention.

The following took part in the vote : Mrs VEIL (chairman); Mr LUSTER (vice-chairman); Mr Fischbach (draftsman of the opinion); Mr B. FRIEDRICH, Mr GEURTSSEN, Mr JANSSEN van RAAY, Mr MEGAHY, Mr TYRRELL, Mrs VAYSSADE and Mr VIE.

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I. Introduction

1. The opinion is based on the following motions for resolutions under consideration by the committee responsible: (1) Doc. 1-422/80 on the threat to the diversity of opinion posed by the commercialization of new media, (2) Doc. 1-130/81 on local radio stations, (3) Doc. 1-790/81 on the coordination of specifications for the Citizens' Band radio, (4) Doc. 1-950/81 on the establishment of a European newsfilm agency and (5) Doc. 1-120/82 on television advertising in the Member States. It forms a contribution to the report by the committee responsible on the threat to the diversity of opinion posed by the commercialization of new media (PE 78.983).

2. It will be recalled that, on 26/27 October 1981, the Legal Affairs Committee delivered an opinion on the motion for a resolution (Doc.1-422/80) on the threat to the diversity of opinion posed by the commercialization of new media (draftsman: Mr Sieglerschmidt, p. 28, Doc. 1-1013/81, report on radio and television broadcasting in the European Community - rapporteur : Mr Hahn).

On 12 March 1982, Parliament adopted its resolution on radio and television broadcasting in the European Community (OJ No. C 87, 5 April 1982, p. 110).

II. Basis in international law for the right to freedom of opinion

3. Article 19 of the Universal Declaration of Human Rights of 10 December 1948 states :

'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.'

4. Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 specifies that:

'1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.'

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interests of national security, territorial integrity or public safety for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.³

5. According to the case-law of the Court of Justice and to the Joint Declaration of 5 April 1977 by the European Parliament, Council and Commission, respect for fundamental rights, as provided for inter alia in the articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms, is of prime importance (OJ No. C 103, 27 April 1977). The fact that, in its resolution of 29 October 1982 (OJ No. C 304, 22 November 1982, p. 255), the European Parliament recommended accession by the Communities to the European Convention on Human Rights underlines the special legal significance for the Community of the fundamental rights laid down therein.

III. Legal basis in Community law for countering the threat to the diversity of opinion posed by the commercialization of new media

6. In its resolution of 12 March 1982 (OJ No. C 87, 5 April 1982, p. 110), on radio and television broadcasting in the Community, Parliament called on the Commission to come forward with a report on the media, containing among other things details of the organization of the media in the Member States and specifying the legal justification for Community action in this field (see interim report COM (83) 229 final of 25 May 1983, in particular paragraph 48, p. 33).

In paragraph 7 of this resolution, Parliament considered that outline rules should be drawn up on European radio and television broadcasting, inter alia with a view to protecting young people and establishing a code of practice for advertising at Community level.
7. In order to guarantee the fundamental freedoms laid down in Article 10 of the Convention for the Protection of Human Rights, the Community has powers under the EEC Treaty to ensure that diversity of opinion is respected and that the commercialization of new media occurs according to legally acceptable standards.
8. Pursuant to Article 2 of the EEC Treaty, a basic objective of the Community shall be to promote 'closer relations between the States belonging to it' and, according to Article 3(c), part of the Community's remit is to ensure 'the abolition ... of obstacles to freedom of movement for ... services ...'.
9. The media which gave rise to the own-initiative report, namely radio and television, represent nothing new from a technical point of view; it is the perfecting of broadcasting techniques which is the fresh factor (cable and satellite broadcasting).
10. From a legal point of view, radio and television broadcasting constitutes a service. In the case of television broadcasts, the European Court of Justice ruled that transmission of such broadcasts, including advertising broadcasts, fell within the scope of the Treaty provisions on services (see Judgments of 30 April 1974, Sacchi (1974) ECR 409, and of 18 March 1980, Debaue, (1980) ECR 833, and CODITEL (1980) ECR 881).

11. According to the Treaties, the right to provide services within the Community (Article 59 et seq., EEC Treaty) may be restricted.
12. Article 66 of the EEC Treaty refers inter alia to Article 56 of the same, paragraph 1 of which states that the Chapter concerning the freedom to provide services 'shall not prejudice the applicability of provisions laid down by law, regulation or administrative action providing for special treatment for foreign nationals on grounds of public policy, public security or public health.'
13. By establishing the freedom to provide media services, pursuant to Article 59 et seq. of the EEC Treaty, the Community can foster the development of diversity of opinion in the Member States, making it possible - ideally - for people throughout the Community to receive all stations broadcasting within its boundaries by the use of new technology.
14. Programmes broadcast over satellites covering the territory of more than one Member State retain their status as services. They therefore come within the scope of Community law, with the usual restrictions on grounds of public policy, public security and public health (Article 56(1) of the EEC Treaty).
15. In the context of the above restrictions, attention needs to be paid to: achieving balanced programmes (when advertising can take place, and for how long, its place in the overall programme schedule - in news and comment broadcasts, special reports, entertainment programmes - and the limits to be placed on advertising on grounds of public policy (protection of young people), public security (violence, weapons) and public health (tobacco, alcohol).
16. In its motion for a resolution, the committee responsible should refer to the need for directives for the coordination of provisions laid down by law, regulation or administrative action, which prove necessary on grounds of public policy, public security or public health, as provided for under Article 56(2) of the EEC Treaty, as well as to the need for directives for the coordination of provisions laid down by law, regulation or administrative action in Member States concerning the taking up and pursuit of (broadcasting) activities as self-employed persons, as provided for under Article 57(2) of the EEC Treaty.

17. Until directives are issued to lay down special provisions of this kind, there is in practice no possibility of establishing freedom to provide services in respect of radio and television broadcasting within the Community, nor of a Community-wide organization of the media. According to the case-law of the Court of Justice: 'In the absence of any harmonization ... (it) falls within the residual power of each Member State to regulate, restrict or even totally prohibit television advertising on its territory on grounds of general interest. The position is not altered by the fact that such restrictions or prohibitions extend to television advertising originating in other Member States in so far as they are actually applied on the same terms to national television organizations.' (Debauve [1980] ECR 857(15)).

IV. CONCLUSIONS

Pursuant to Rule 101(6) of the Rules of Procedure, the Legal Affairs Committee proposes that the committee responsible should include the following in its motion for a resolution:

The Legal Affairs Committee believes that the best method of dealing with the matter of radio and television broadcasting is by means of a Convention within the Council of Europe, but should this not be possible, calls on the Commission to:

1. Take into account, when drawing up guidelines for the organization of radio and television broadcasting, the opinion delivered by the Legal Affairs Committee on 26/27 October 1981 on the report on radio and television broadcasting in the European Community (Doc. 1-1031/81) in so far as it relates to the commercialization of new media;
2. Submit as soon as possible the Green Book on the freedom to provide services in the field of broadcasting mentioned in its Interim Report on realities and tendencies in European television (COM(83) 229 final) of 1 July 1983;
3. Submit a proposal for a directive for radio and television broadcasting, taking as the basis in law Articles 59 - 66 of the EEC Treaty (freedom to provide services), and in particular Articles 56(2) and 57(2) (right of establishment) of the EEC Treaty, which apply to the freedom to provide services (see Article 66 of the EEC Treaty);
4. Harmonize by means of the proposal for a directive - without prejudice to the principle of freedom to provide services which must be put into effect in the field of broadcasting - the following aspects :
 - the duration and time of advertising,
 - its position in the programme schedule,
 - restrictions to be imposed to safeguard public policy (protection of young people), security (violence, weapons) and health (tobacco, alcohol);

5. Take full account of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms in its proposal for a directive.

OPINION
(Rule 101 of the Rules of Procedure)
of the Committee on Transport

Draftsman of the opinion: Mr H. SEEFELD

On 26 January 1983, the Committee on Transport appointed Mr Horst SEEFELD draftsman of its opinion.

At its meeting of 26 May 1983 the committee considered an initial draft opinion.

In the light of comments made at this meeting by Mr RIPA di MEANA a new text as appears below was considered and unanimously adopted on 18 October 1983.

The following took part in the vote: Mr Seefeld, chairman and draftsman of the opinion; Mr Kaloyannis, vice-chairman; Mr Baudis, Mr Cardia, Mr Gabert, Mr Galto (deputizing for Mr Loo), Lord Harmer-Nicholls, Mr Lagakos, Mr Ripa di Meana and Mrs Scaroni.

1 - INTRODUCTION

1. Since its appearance at the start of the 1970s, Citizens' Band radio has grown dramatically, and present estimates put the number of transceivers in the European Community at over ten million.
2. Citizens' Band developed primarily in the United States of America, where initial legislation on Citizens' Band was passed in 1947. One of the particular features of the United States is that Citizens' Band is also used for professional purposes, in particular by truck drivers as an active means of communication, both to provide information (choice of routes, breakdowns, help in accidents) and to break the monotony of long-distance journeys.
3. When the craze for this mode of communication reached Europe, it caused a number of problems between its opponents on the one hand, who accused it of causing interference to police, ambulance and fire brigade messages and to television and radio broadcasts, and on the other its supporters who saw Citizens' Band as a new means of communication, reflecting its English etymology and fulfilling the useful function of organizing help in case of accident and more simply of giving road-users a better choice of routes. Those who use it believe that it is above all a means of self-expression and communication.
4. Each State has adopted its own regulations to minimize disturbance to existing communications systems and interference with household radio and television apparatus. It should be pointed out that national and international Citizens' Band organizations reject such claims of widespread disturbance and believe that minor and inexpensive adjustments to radio and television apparatus during manufacture would result in the complete elimination of the interference caused by Citizens' Band broadcasts.

The element of concern for industrial and trade policy should not be underestimated in these regulations, since the equipment used is of American or, even more frequently, Japanese origin.
5. Before tackling the problem of the different regulations in force at present, a brief technical survey is necessary for an understanding of Citizens' Band problems.

11 - TECHNICAL DETAILS

6. At present, the term Citizens' Band¹ means the range of frequencies between 26.9 and 27.2 MEGAHERTZ (MHz) on the 11 metre short-wave band.

CB sets are transceivers which use these frequencies.

7. The essential characteristics of a CB set are:

- frequency: Citizens' Band users operate on the 27 MHz band. However, certain governments (although only the United Kingdom has taken action to this effect) would prefer the 900 MHz band to be used, as this would cause less radio interference: however, it has the major inconvenience for the CB user of reducing the effective range of transmission from 15 km to 5 km;

- modulation: amplitude modulation (AM), frequency modulation (FM) or single side band (SSB) modulation can be used. It is believed that 80% of CB sets currently use only amplitude modulation;

- power: the range of transmission depends on the power of the transmitter and an increase in power causes more than a proportional increase in interference affecting other radio services;

- aerial: there are two possibilities: directional aeri-als or omni-directional aeri-als. Only the latter are permitted for CB throughout most of the world as directional aeri-als would significantly increase the communication range thus increasing, or so it is believed in some quarters, the risk of interference with other communications.

¹ Originally as soon as it made its appearance in the USA, Citizens' Band used frequencies of 220 MHz. Similarly and in particular in the United Kingdom, it is possible to use the 900 MHz waveband.

III - EXISTING REGULATIONS

8. Regulations generally throughout the world

Most countries have adopted specific legislation in regard to Citizens' Band. It should be pointed out that non-European countries use a power output of at least 4 or 5 watts in amplitude modulation and SSB on 40 channels, approximating by and large to the legislation in force in the USA.

9. CEPT regulations

In Europe the European Conference of Postal and Telecommunications Administrations (CEPT), a technical organization which represents 26 European countries¹ issued recommendation T/R 19 in 1972, with its most recent ruling dating from 1979, relating to low-power radiotelephonic transmitters on the 27 MHz band (radio-telephone PR 27).

The recommendation is an attempt to define standard provisions for licensing, common technical specifications and identical type-approval tests.

Although the CEPT recommendation is very interesting it does in fact have no binding force and its application depends on the goodwill of States.

10. National regulations

In the absence of Community provisions on the subject and faced as we have already said with the unexpected CB boom, each Member State in the Community has established regulations which refer more or less explicitly to the European Conference of Postal and Telecommunications Administrations' (CEPT) regulations, but differ from each other on a number of points.

¹ Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Lichtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom, Vatican City, Yugoslavia

11. Briefly, the situation is this: 6 Member States (Belgium, Luxembourg, Denmark, Germany, Italy and Greece) allow CB sets to operate between 26.9 and 27.2 MHz using amplitude or frequency modulation. The Netherlands allow CB sets to operate on 27 channels from 26.96 to 27.22 MHz, but only using frequency modulation. Very recently, since 1 January 1983, the French Government has liberalized the laws relating to CB operators by permitting the use by the latter of the 40 channels reserved for broadcasts using amplitude modulation, frequency modulation and single side bands. The United Kingdom allows CB sets to use frequencies from 27.60 to 27.99 MHz (40 channels) or 934 and 20 channels from 934.025 to 934.975 MHz, but only using frequency modulation. In Ireland, a 40 channel system is open for use, but only with frequency modulation. We can see that only the United Kingdom really departs from the European Conference of Postal and Telecommunications Administrations' (CEPT) recommendation by allowing the use of the 934 MHz band for frequency modulation signals.

IV - THE NEW CEPT RECOMMENDATION

12. When this opinion was first considered, on 26 May 1983 in London, CEPT recommendation T/R 20 was in course of preparation. The impression received from several experts and from our colleague, Mr RIPA di MEANA, was that this text, then in draft, was likely to be very restrictive compared with the regulations in force at present.

Adopted in September 1983 the recommendation would indeed appear to prohibit the use of the 27 MHz band for amplitude modulation and to only permit the 27 MHz using frequency modulation signals with an output of 4 watts and it is totally rejected by the Citizen's Band operators associations.

On the one hand, it does seem that these new provisions impose considerable limits on the range of sets, in particular in areas where it would be no more than 600 or 700 metres. On the other hand, sets currently used in Europe cannot be easily modified to comply with this new regulation, and so CB operators would have to purchase new sets which cost two or three times more than those currently available.

In addition, it should be noted that in order to buy these new sets, massive imports from countries outside the Community would be necessary.

looked at from a pessimistic point of view all this suggests that an illegal Citizens' Band based on the earlier standards could develop.

V - THE PROBLEMS CAUSED BY THE PRESENT SITUATION IN EUROPE

13. First of all, it should be noted that in several European countries, legislation has not yet been adopted for the best use of Citizens' Band and thus needs to be suitably modified. Given the differences in national legislation, even if based more or less on the European Conference of Postal and Telecommunications Administrations' (CEPT) recommendation, CB sets, whether fixed or mobile, cannot in present circumstances be moved freely within the Community, and use of these sets is more often than not limited to a single country. There is thus a situation where national provisions constitute obstacles at three levels; the first directly affects CB users, who cannot move about freely with their equipment, the second takes the form of a restriction of trade within the Community and the third does not permit communication between citizens of different countries of the European Community. Indeed, Annex 1 of the CEPT recommendation T/R 19 specifically states in paragraph 7 that the use of radiotelephones PR 27 (CB) is generally forbidden for the purposes of communication beyond national frontiers.

14. This situation has created a number of conflicts with customs authorities which have led in some cases to the confiscation of equipment and to fines of varying magnitude.

In the European Parliament the number of questions submitted¹ indicates, the size of the problem.

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- ¹ - No. 402/79 by Mr FUCHS - Citizens' Band frequencies
No. 634/80 by Mr ALBER - use of Citizens' Band by truck drivers and tourists
- No. 1299/80 by Mr ANSQUER - Citizens' Band regulation
- No. 1606/80 by Mr PEDINI, amateur radio operators
- No. 2123/80 by Mrs EWING - Citizens' Band radio
No. 433/81 by Mr BOYLES - Citizens' Band radio
- No. 250/82 by Mr HUTTON - Citizens' Band radio
- No. 310/82 by Mr WARNER - Citizens' Band radio
- No. 465/82 by Mr PEARCE - Citizens' Band radio
- No. 526/82 by Mr WARNER - Citizens' Band radio
No. 1963/82 by Mr WARNER - Community standard for CB users
No. 1964/82 by Mr WARNER - CB radio
No. H/43/83 by Mr HARRIS - Citizens' Band

15. In view of the problems their members have in crossing borders, the European Association of CB radio users are making three general demands:

- that uniform conditions should be established for the use and transport of CB radio sets within European countries without border restrictions;
- that frequencies and wavelengths for CB radio sets should be harmonized throughout Europe;
- that radio interference should be solved by standardizing CB equipment.

Mention should also be made of the resolution adopted by the European Association of Citizens' Band Radio Users on 23 and 24 April 1983, rejecting the CEPT draft recommendation and requesting the support of the European Parliament in creating common European legislation on Citizens' Band.

VI - THE POSSIBILITY OF COMMUNITY RULES

16. The existence of a recommendation by the European Conference on Postal and Telecommunications Administrations (CEPT), and the authority of this body which has a broader membership than the European Community would be arguments against the Commission taking any action in this matter, since some people do not think that this subject falls directly within its powers, even though the CEPT is only a technical organization.

It may rightly be asked whether the problems raised by harmonizing legislation on Citizens' Band are solely of a technical nature or whether it might not be better to approach the problem from the political point of view, in the name of freedom of expression, which Citizens' Band is supposed to represent.

17. Nevertheless, the Commission has two ways of justifying intervention; it can either consider that this question falls within the provisions of Articles 30 and 36 of the EEC Treaty, on the elimination of quantitative restrictions between Member States, or it can undertake a harmonization of the provisions in force in different Member States on the basis of Article 100 of the EEC Treaty (approximation of legislation in different Member States).

18. With this in mind, the Commission has already carried out a certain number of investigations and is having a study made by a team of consultants in order to ascertain the existing provisions and practices in the Member States relating to CB radio sets and to examine them in the light of the EEC Treaty rules.

According to the answer to Mr WARNER's question (No. 310/82), given by Mr NARJES on behalf of the Commission on 21 June 1982, the latter is following developments in the present situation, and stresses the possibility of submitting to the Council a proposal for harmonizing provisions applicable to CB radio sets, but without giving a specific date or context.

At present, the Commission is apparently examining the possibility of formulating a proposal to harmonize national regulations relating to CB, based principally on the new CEPT recommendation.

Owing to the strong reservations which we have expressed in respect of this new regulation adopted by the CEPT, we can only recommend that the Commission proceed most cautiously, inasmuch as the new provisions appear to be in utter contradiction to the interests of Citizens' Band users.

VII - THE URGENT NEED FOR UNIFORM REGULATIONS ON CITIZENS' BAND IN THE EUROPEAN COMMUNITY

19. Because of the number of people in the European Community who use CB radio sets and because of the differences in the restrictions imposed on the movement of such sets brought about by the present situation, the Committee on Transport deems it necessary to achieve as soon as possible common legislation applicable to all Member States of the European Community, possibly by harmonizing national laws. To ensure obvious consistency with other European countries which are not members of the Community, this harmonization should be implemented within the framework of the European Conference of Postal and Telecommunications Administrations (CEPT).

Furthermore, this action must be undertaken quickly to avoid a situation in which national regulations are totally fixed, thus making harmonization absolutely impossible.

VIII - CONCLUSIONS

In the light of these observations and remarks, the Committee on Transport would like the Committee on Youth, Culture, Education, Information and Sport to include the following in its motion for a resolution.

20. Agrees to recognize the importance and the increase in the use of Citizens' Band as a means of expression and communication by millions of people in the European Community.
21. Notes that the existence of differing national legislation concerning CB constitutes a real obstacle to the movement of individuals and goods within the European Community.
22. Considers that uniform legislation is the only way of ending the present situation, improving the conditions for using Citizens' Band and reducing the interference which some CB radio sets can cause.
23. Believes that such Community regulations should be drawn up in the framework of the European Conference of Postal and Telecommunications Administrations (CEPT) but specifically draws the attention of Member States and the Commission to the seemingly very restrictive nature of the new CEPT recommendation T/R 20.
24. Asks the Commission to formulate, as soon as possible, a proposal for harmonizing Member States' national legislation taking into account the real concerns of Citizens' Band users and attempting at the same time to reduce the nuisance and interference possibly caused by such sets to a minimum.



