



The Romanian Parliament
The Senate

OPINION
on proposal for a
Regulation of the European Parliament and of the Council
laying down measures concerning the European single market for electronic
communications and to achieve a Connected Continent, and amending Directives
2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and
(EU) No 531/2012 (Text with EEA relevance)
COM (2013) 627 final

The Plenum of the Romanian Senate, pursuant to art. 67, art. 148. (2) and. (3) of the Romanian Constitution, and the Protocol (No 2) annexed to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, ratified by Law no. 13/2008, has examined the Proposal for a **Regulation of the European Parliament and of the Council on measures** laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No 1211/2009 and (EU) No 531/2012 (Text with EEA relevance) **COM (2013) 627 final**.

Taking into account the report of the permanent Committees for Economic, Industries and Services, **the Plenum of the Senate** found that the mentioned proposal respect the **principles of subsidiarity and made the following observations as regards proportionality and content:**

- The Senate appreciated that, in order to accordingly apply the subsidiarity principle, the proposed measures bring benefit from the perspective of giving impetus to the cooperation between the Member States, on one side, and, between Member States and European Commission, on the other side together with the setting up of a single framework for authorizing the European electronic communications providers.

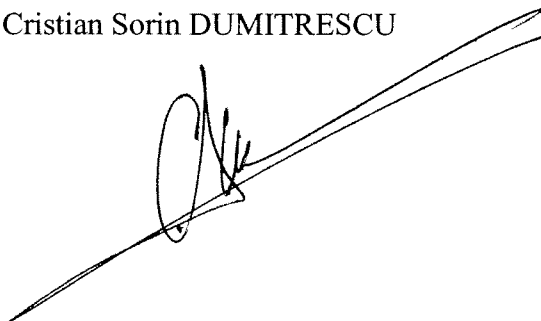
- Nevertheless, the Senate considered that the aims of this Regulation would be better achieved through individual actions of the Member States and not at the European level, since the regulation could generate a discretionary transfer of the decision power, which lies with the national institutions as a part of the national sovereignty, to other

Member State. In the opinion of the Romanian National Regulation Authority, this aspect is not acceptable, because the capacity of the Member States to take decisions and act should be protected. Moreover, it was appreciated that the management of the spectrum represent a national competence and an extension of the Commission's competence in this field could create a fundamental change regarding the power of balance with the Member States and the national regulation authorities.

- Concerning the respect of the proportionality, the Romanian Senate was of the opinion that the Regulation is partially in breach, because the proposed measures could generate shortages, increase the administrative costs of the national regulation authorities, of the European Commission and of the electronic communications providers with significant implementation costs in their charge. From the same perspective, the proposal does not reflect the different developments of the Member States of the Union and does not stimulate investments. On the contrary, concurrency could be severely distorted and other negative effects could appear.

p.PRESIDENT OF THE SENATE

Cristian Sorin DUMITRESCU

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