


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2000/0188(COD) Procedure completed
Electronic communications: authorisation of networks and services Amended by 2007/0247(COD) Repealed by 2016/0288(COD)	
Subject 3.30.05 Electronic and mobile communications, personal communications	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ITRE Industry, External Trade, Research, Energy		22/06/2000
		PPE-DE NIEBLER Angelika	
	Former committee responsible		
	ITRE Industry, External Trade, Research, Energy		22/06/2000
		PPE-DE NIEBLER Angelika	
	Former committee for opinion		
BUDG Budgets		The committee decided not to give an opinion.	
JURI Legal Affairs and Internal Market		The committee decided not to give an opinion.	
ENVI Environment, Public Health, Consumer Policy		The committee decided not to give an opinion.	
CULT Culture, Youth, Education, Media and Sport			10/10/2000
		PSE JUNKER Karin	
Council of the European Union	Council configuration	Meeting	Date
	Education, Youth, Culture and Sport	2408	14/02/2002
	Transport, Telecommunications and Energy	2395	06/12/2001
	Transport, Telecommunications and Energy	2374	15/10/2001
	Culture	2361	21/06/2001
	Transport, Telecommunications and Energy	2340	04/04/2001
	Telecommunications	2325	22/12/2000
	Telecommunications	2293	03/10/2000
European Commission	Commission DG	Commissioner	
	Communications Networks, Content and Technology		

Key events			
08/09/2000	Committee referral announced in Parliament, 1st reading		
03/10/2000	Debate in Council	2293	
22/12/2000	Debate in Council	2325	

13/02/2001	Vote in committee, 1st reading		Summary
13/02/2001	Committee report tabled for plenary, 1st reading	A5-0062/2001	
01/03/2001	Decision by Parliament, 1st reading	T5-0113/2001	Summary
21/06/2001	Debate in Council	2361	
19/09/2001	Committee referral announced in Parliament, 2nd reading		
15/10/2001	Debate in Council	2374	
27/11/2001	Vote in committee, 2nd reading		Summary
06/12/2001	Debate in Council	2395	
10/12/2001	Debate in Parliament		
12/12/2001	Decision by Parliament, 2nd reading	T5-0678/2001	Summary
14/02/2002	Act approved by Council, 2nd reading		
07/03/2002	Final act signed		
07/03/2002	End of procedure in Parliament		
24/04/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/0188(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amended by 2007/0247(COD) Repealed by 2016/0288(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/5/14507

Documentation gateway

Legislative proposal		COM(2000)0386 OJ C 365 19.12.2000, p. 0230 E	12/07/2000	EC	Summary
Economic and Social Committee: opinion, report		CES0049/2001 OJ C 123 25.04.2001, p. 0055	25/01/2001	ESC	
Committee draft report		PE297.111	29/01/2001	EP	
Amendments tabled in committee		PE297.111/AM	08/02/2001	EP	
Committee opinion	CULT	PE286.725/DEF	09/02/2001	EP	
Committee report tabled for plenary, 1st reading/single reading		A5-0062/2001	13/02/2001	EP	

Text adopted by Parliament, 1st reading/single reading	T5-0113/2001 OJ C 277 01.10.2001, p. 0018-0116	01/03/2001	EP	Summary
Modified legislative proposal	COM(2001)0372 OJ C 270 25.09.2001, p. 0182 E	04/07/2001	EC	Summary
Council position	10419/1/2001 OJ C 337 30.11.2001, p. 0018	17/09/2001	CSL	Summary
Commission communication on Council's position	SEC(2001)1411	18/09/2001	EC	Summary
Committee draft report	PE309.056	29/10/2001	EP	
Amendments tabled in committee	PE309.056/AM	20/11/2001	EP	
Committee recommendation tabled for plenary, 2nd reading	A5-0433/2001	27/11/2001	EP	
Text adopted by Parliament, 2nd reading	T5-0678/2001 OJ C 177 25.07.2002, p. 0083-0164 E	12/12/2001	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2002)0074	07/02/2002	EC	Summary
Follow-up document	COM(2003)0715	19/11/2003	EC	Summary
Document attached to the procedure	SEC(2006)0817	29/06/2006	EC	
Follow-up document	COM(2006)0334	29/06/2006	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2002/20](#)
[OJ L 108 24.04.2002, p. 0021-0032](#) Summary

Electronic communications: authorisation of networks and services

PURPOSE : to implement an internal market in electronic communications services through the harmonisation and simplification of authorisation rules and conditions in order to facilitate the provision of electronic communications services and networks throughout the Community. **CONTENT** : the present proposal for a Directive is intended to replace the current Directive 97/13/EC on a common framework for general authorisations and individual licences in the field of telecommunications services which was adopted by the European Parliament and by the Council on 10 April 1997 and had to be implemented by 1 January 1998. The key elements of the existing Directive are the prohibition of any limitation in the number of new entrants (except to the extent required to ensure an efficient use of radio frequencies), priority given to general authorisations, as opposed to individual licences, and the definition of harmonised principles, including an exhaustive list of licensing conditions. The Commission Communication on the results of the public consultation on the 1999 Communication Review and Orientations for the new Regulatory Framework revealed strong support for significant further harmonisation and simplification of national authorisation rules and general authorisation on the telecommunication sector on the whole . In line with the policy objectives and principles of the new regulatory framework, the present proposal to revise the existing authorisation and licensing regimes is based on the need to stimulate a dynamic, competitive market for communications services, to consolidate the internal market in a converging environment, to restrict regulation to the necessary minimum and to aim at technological neutrality and accommodate converging markets. Furthermore, the present proposal: - intends to cover all electronic communication services and networks under a general authorisation and to limit the use of specific rights to the assignment of radio frequencies and numbers only; - aims to ensure that no information is required as a prior condition for market entry and that systematic verification of compliance with conditions attached to authorisations is limited to those conditions for which this is objectively justified; - would reduce administrative charges considerably by simplifying the authorisation regimes, thereby reducing the regulatory workload and the attendant administrative costs; - foresees a continuing role for the CEPT (European Conference Postal and Telecommunications Administrations) in the harmonisation of the radio frequencies. In addition, this proposal mainly places obligations on Member States or national regulatory authorities. In conclusion, the proposed Directive on the authorisation of electronic communications services and networks takes account of the results of the public consultation on the 1999 Review of the existing telecommunications regulatory

framework. The proposal presents a lighter and more harmonised system of authorisations throughout the Community, with minimal regulatory barriers to market entry, in order to stimulate the development of new electronic communications services and to allow service providers and consumers to benefit from the economies of scale of the single European market. ?

Electronic communications: authorisation of networks and services

The committee adopted the report by Angelika NIEBLER (EPP-ED, D) broadly approving the Commission proposal under the codecision procedure (1st reading) subject to a number of amendments. The committee felt that the allocation of radio frequencies and the assigning of numbers and rights of way could be done using different methods. It proposed a number of criteria which would be non-discriminatory and transparent and would require objective justifications to be given. The committee also passed an amendment calling on the Member States to distribute the costs of a license evenly over the relevant time period. Where fees for rights of use or rights of way consisted of a one-off amount, for instance a price determined by auction, the right holder should have the opportunity to pay this part of the fee in annual instalments. In addition, the committee wished to ensure the continuity of operators' rights. It emphasised that Member States should not introduce restrictions on licences before expiry of the period for which they were granted unless this was necessary on grounds of public safety. In such cases, operators should be entitled to appropriate compensation. As the information obtained from the operators was commercial and confidential, the committee said it must be made clear that staff of the Member States and the Commission were under an obligation of professional secrecy. Lastly, the committee raised the question of public versus commercial radio broadcasters. It stressed that in order to ensure optimal development of a commercial radio market, efforts should be made to strike a better balance between the frequencies taken up by commercial and public service providers.?

Electronic communications: authorisation of networks and services

The European Parliament adopted the report by Mrs Angelika NIEBLER (EPP/ED, D). The Parliament agreed with the basic line of the Commission proposal but amended it with a few clarifications. (Please refer to the previous text).?

Electronic communications: authorisation of networks and services

Of the 23 amendments proposed by the European Parliament during its first reading on the authorisation of electronic communications networks and services, the European Commission found that some amendments it could not accept, others it could accept in part only and others it could accept in full. Where the amendments are deemed to strengthen and enhance the proposed Directive, the European Commission has accepted them in part or in full. Those accepted relate to competition amongst network providers. The Commission considers it vital that Member States facilitate and enhance access for service providers in what can be a cumbersome procedure. Accordingly, Article 15 of the proposed Directive and Article 14 have been amended to take account of Parliamentary concerns. The European Commission also accepts that a more harmonised approach to usage fees is needed to strengthen the provisions of the Directive. Parliamentary proposals to enhance this aspect of the Directive have in large part been incorporated into the text by the Commission. Those not accepted by the European Commission include amendments relating to any content conditions to be imposed on transmission service providers. The Commission holds that conditions imposed on transmission service providers is outside the scope of this Directive. Concerning amendments on a common regulatory framework for electronic communications networks and services, the European Commission holds that any such provision would be a duplication of Article 4 of the proposed Directive. Equally, the Commission rejects a proposed amendment on professional secrecy since it considers this a duplication of Article 5. Further, the Commission feels it would not be appropriate to include proposals which aim to strike a better balance between frequencies used by public and commercial service providers. It proposes instead that this be covered by a forthcoming Decision on a regulatory framework for radio spectrum policy in the EU. The Commission also rejects Parliamentary amendments concerning turn-over related to distribution costs. ?

Electronic communications: authorisation of networks and services

The Council endorses the approach and aims proposed by the Commission. A small number of changes have been made however. They are as follows: - On administrative charges, the Council has decided to maintain the financial independence of national regulatory authorities (NRAs) by extending the scope of administrative costs which may be recovered through charges. The Council is in agreement with the European Parliament that the explicit requirement to link charges proportionately to an undertaking's turnover should be deleted. Also deleted is the specific requirement for undertakings with low turnover. - On the matter of setting deadlines on rights of user frequencies and numbers, the Council considers it necessary to extend the basic deadlines for numbers (now 3 weeks instead of 2) and the maximum deadlines for frequencies allocated by competitive or comparative selection (now 8 months, instead of 6). - On the matter of review procedures under comitology, the Council considers it inappropriate to include the possibility of further harmonisation of national provisions on the basis of comitology. Any such future harmonisation should, be based on a co-decision procedure in order to ensure the full participation of Parliament. - On the matter of existing authorisations (Article 17), the Council has decided to bring existing licenses into line with this Directive. The additional period granted for cases where alignment would reduce rights or extend obligations has been extended from six to twelve months.?

Electronic communications: authorisation of networks and services

Overall the Commission has decided to support and accept the Council's Common Position. Areas of reservation nevertheless remain and refer mainly to: - Article 12 on administrative charges. The Common Position has changed the scope of this article considerably by widening the amount of administrative costs that may be recovered through administrative charges. In line with Parliamentary wishes, the Council has decided to delete the turn-over related distribution key as well as the minimal threshold excluding SME's from administrative charges. In light of these changes, the Commission foresees considerable variation in levels of charges between the Member States. Further, there is less

certainty that systems for charges will be simple, pro-competitive and in line with the basic principles of a general authorisation system. Lastly, the absence of a minimal threshold may lead to administrative charges acting as a disincentive for entry in the market. - Article 13 on usage fees. The Council has decided not to accept Commission and Parliamentary proposals to submit all measures regarding usage fees to the transparency procedure of the framework Directive and to allow alternative payment facilitated in the case of very high one-off fees. The Commission expresses some reservation over this. - Article 17 on an additional transition period. In spite of these reservations, the Commission notes that the Council has taken on board most of the amendments proposed by the Commission, including many of the Parliamentary amendments, following its first reading and as a result, has decided to accept and support the Council. ?

Electronic communications: authorisation of networks and services

The committee adopted the report by Angelika NIEBLER (EPP-ED, D) amending the Council's common position under the codecision procedure (2nd reading). The committee stressed that it was important that market players should be able to follow simple harmonised rules for market access. One of the amendments was designed to ensure that in cases of comparative selection procedures, when fees for rights of use for radio frequencies consisted entirely or partly of a one-off amount, appropriate payment arrangements were allowed to ensure that such fees did not in practice constitute an obstacle to entry into the market. ?

Electronic communications: authorisation of networks and services

The European Parliament approved the report Mrs Angelike NIEBLER (EPP-ED, D) on the authorisation of electronic communications networks and services. It stresses the need for simple harmonised rules for market access. An amendment passed to the common position says that where, in case of competitive or comparative selection procedures, fees for rights of use of radio frequencies consist entirely or partly of a one-off amount, payment arrangements should ensure that such fees do not in practice lead to selection on the basis of criteria unrelated to the objective of ensuring optimal use of radio frequencies. The European Commission may publish on a regular basis benchmark studies with regard to best practices of allocation of radio frequencies, assigning of numbers or rights of way. Parliament also stressed that Member States should not restrict or withdraw rights to install facilities before the expiry date of the period for which they were granted except where justified and where applicable in conformity with relevant national provisions regarding compensation for withdrawal of rights. Lastly, Member States may extend the validity of those rights and obligations until at the latest 9 months after the date of application.?

Electronic communications: authorisation of networks and services

Of the four amendments tabled by the European Parliament following the second reading of the Authorisation Directive, all have been accepted fully by the Commission. The Council too has decided to accept the wording of the four amendments. They refer to: - New wording regarding the payment arrangement of one-off usage fees for radio frequencies. - Introduction of a new paragraph limiting the restriction or withdrawal of rights to install facilities and including a reference to possible compensation in such cases. - The creation of a transparency register regarding rights to install facilities. - Introduction of an additional transition period for cases where the new authorisation regime would lead to a reduction of rights or an extension of obligation. This has now been shortened from 12 to 9 months. Having agreed to the four Parliamentary amendments the conciliation committee does not need to be invoked. Adoption of the Regulation is expected at the beginning of 2002 following verification of the texts by jurist-linguists.?

Electronic communications: authorisation of networks and services

PURPOSE : to implement an internal market in electronic communications networks and services through the harmonisation and simplification of authorisation rules and conditions in order to facilitate their provision throughout the Community. **COMMUNITY MEASURE :** Directive 2002/20/EC of the European Parliament and of the Council on the authorisation of electronic communications networks and services (Authorisation Directive). **CONTENT :** this Directive shall apply to authorisations for the provision of electronic communications networks and services. The Directive provides a general authorisation applicable to networks and to electronic service communications: Member States shall ensure the freedom to provide electronic communications networks and services, subject to harmonisation and simplification of electronic communications rules and conditions for the authorisation of networks and services cannot be sufficiently achieved by the Member States and can the conditions set out in this Directive. To this end, Member States shall not prevent an undertaking from providing electronic communications networks or services, except where this is necessary for the reasons set out in Article 46(1) of the Treaty. Decisions on rights of use shall be taken, communicated and made public as soon as possible after receipt of the complete application by the national regulatory authority, within three weeks in the case of numbers that have been allocated for specific purposes within the national numbering plan and within six weeks in the case of radio frequencies that have been allocated for specific purposes within the national frequency plan. The Commission shall periodically review the functioning of the national authorisation systems and the development of cross-border service provision within the Community and report to the European Parliament and to the Council. In order to arrive at a single date of application of all elements of the new regulatory framework for the electronic communications sector, it is important that the process of national transposition of this Directive and of alignment of the existing licences with the new rules take place in parallel. However, in specific cases where the replacement of authorisations existing on the date of entry into force of this Directive by the general authorisation and the individual rights of use in accordance with this Directive would lead to an increase in the obligations for service providers operating under an existing authorisation or to a reduction of their rights, Member States may avail themselves of an additional nine months after the date of application of this Directive for alignment of such licences, unless this would have a negative effect on the rights and obligations of other undertakings. **ENTRY INTO FORCE :** 24/04/2002. **IMPLEMENTATION :** 24/07/2003.?