
















# Procedure file

Basic information			
NLE - Non-legislative enactments Decision	2010/0361(NLE)	Procedure completed	
European Convention on the legal protection of services based on, or consisting of, conditional access			
Subject 3.30.02 Television, cable, digital, mobile 3.30.04 Radiocommunications, broadcasting 3.30.25 International information networks and society, internet 3.50.15 Intellectual property, copyright			
Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 <a href="#">SVOBODA Pavel</a>	03/09/2014
		Shadow rapporteur	
		 <a href="#">GUTELAND Jytte</a>	
		 <a href="#">DZHAMBAZKI Angel</a>	
		 <a href="#">MARINHO E PINTO António</a>	
	Former committee responsible		
	 Legal Affairs		26/01/2011
		PPE <a href="#">LEHNE Klaus-Heiner</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Industry, Research and Energy	The committee decided not to give an opinion.	
	 Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	 Culture and Education	The committee decided not to give an opinion.	
	 Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
Former committee for opinion			
 Industry, Research and Energy			
 Internal Market and Consumer Protection			
 Culture and Education			
 Civil Liberties, Justice and Home Affairs			
Council of the European Union	Council configuration <a href="#">Agriculture and Fisheries</a>	Meeting <a href="#">3308</a>	Date 14/04/2014
European Commission	Commission DG <a href="#">Financial Stability, Financial Services and Capital</a>	Commissioner BARNIER Michel	

## Key events

15/12/2010	Preparatory document	<a href="#">COM(2010)0755</a>	Summary
14/02/2012	Legislative proposal published	<a href="#">05651/2012</a>	Summary
15/03/2012	Committee referral announced in Parliament		
20/10/2014	Committee referral announced in Parliament		
24/03/2015	Vote in committee		
30/03/2015	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0071/2015</a>	Summary
19/05/2015	Results of vote in Parliament		
19/05/2015	Decision by Parliament	<a href="#">T8-0190/2015</a>	Summary
20/07/2015	Act adopted by Council after consultation of Parliament		
20/07/2015	End of procedure in Parliament		
29/07/2015	Final act published in Official Journal		

## Technical information

Procedure reference	2010/0361(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 207-p4
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/00060

## Documentation gateway

Preparatory document	<a href="#">COM(2010)0755</a>	15/12/2010	EC	Summary
Document attached to the procedure	<a href="#">16275/2011</a>	14/11/2011	CSL	
Legislative proposal	<a href="#">05651/2012</a>	14/02/2012	CSL	Summary
Supplementary legislative basic document	<a href="#">07597/2014</a>	27/11/2014	CSL	
Committee draft report	<a href="#">PE549.107</a>	09/02/2015	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0071/2015</a>	30/03/2015	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T8-0190/2015</a>	19/05/2015	EP	Summary

Additional information	
National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>
Final act	
<a href="#">Decision 2015/1293</a> <a href="#">OJ L 199 29.07.2015, p. 0003</a> Summary	

## European Convention on the legal protection of services based on, or consisting of, conditional access

**PURPOSE:** to approve the European Convention on the legal protection of services based on, or consisting of, conditional access.

**PROPOSED ACT:** Council Decision.

**LEGAL BASE:** Article 207(4) in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union (TFEU).

**IMPACT ASSESSMENT:** no impact assessment was carried out.

**CONTENT:** on 20 November 1998, the Council and the European Parliament adopted Directive 98/84/EC on the legal protection of services based on, or consisting of, conditional access.

This Directive created a common EU legal framework for combating illicit devices which allow unauthorised access to television services offered against payment and for the effective protection of such services. This protection covers both television and radio broadcasting services and transmission by internet.

The primary objective of this Directive was to provide legal protection to all services for which payment depends on conditional access, i.e. access to the protected service is made conditional upon prior individual authorisation. More specifically, this protection consists of declaring unlawful all commercial activity relating to equipment which allows or facilitates access to services without authorisation or payment to the provider, and establishing sanctions.

In 1999, the Council of Europe started to draft a European convention on the legal protection of services based on, or consisting of, conditional access. The Council therefore authorised the Commission to represent the European Community in the negotiations on the Convention.

The negotiations were successful and the Convention was adopted on 24 January 2001 and entered into force on 1 July 2003.

The Convention establishes a regulatory framework almost identical to Directive 98/84/EC. The wording of the two texts differs slightly in places. For instance, the Convention not only defines as a criminal offence the manufacture of illicit devices but also their production. It also gives a clearer definition of the sanctions established for activities defined as unlawful, since it describes them as penal, administrative or other.

The Convention is open for participation by the European Union. The Commission indicated that the signing of the Convention by the European Union should encourage broader ratification by the Member States of the Council of Europe and thus make it possible to extend legal protection for services based on conditional access beyond the borders of the EU.

Consequently, the Commission recommends that the Council conclude this convention, as it will make it possible to extend the scope of the legal framework established by Directive 98/84/EC and thus make it possible to effectively combat threats to protected services.

**BUDGETARY IMPLICATION:** this proposal has no implication for the EU budget.

## European Convention on the legal protection of services based on, or consisting of, conditional access

**PURPOSE:** to conclude, on behalf of the European Union, the European Convention on the legal protection of services based on, or consisting of, conditional access.

**PROPOSED ACT:** Council Decision.

**LEGAL BASIS:** Article 207(4) in conjunction with Article 218(6)(a)(v) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** on 16 July 1999, the Council authorised the Commission to negotiate in the Council of Europe, on behalf of the European Community, a convention on the legal protection of services based on, or consisting of, conditional access.

The European Convention on the legal protection of services based on, or consisting of, conditional access was adopted on 24 January 2001 and entered into force on 1 July 2003. The Convention establishes a regulatory framework almost identical to [Directive 98/84/EC](#) of the European Parliament and of the Council on the legal protection of services based on, or consisting of, conditional access.

By adopting Directive 98/84/EC, the Union has exercised its internal competence in the fields covered by the Convention except as regards Articles 6 and 8 thereof, insofar as Article 8 relates to the measures under Article 6. The Convention should be therefore approved both by the Union and its Member States. A Declaration concerning the division of competences between the Union and its Member States is included in the Annex to this draft Council Decision.

On 21 December 2011, in accordance with Council Decision 2011/853/EU, the Convention was signed on behalf of the Union.

The conclusion of the Convention would help to extend the application of provisions similar to those in Directive 98/84/EC beyond the borders of the Union and establish a law on services based on conditional access which would be applicable throughout the European continent.

The Convention should be approved on behalf of the Union.

## European Convention on the legal protection of services based on, or consisting of, conditional access

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The Committee on Legal Affairs adopted the report by Pavel SVOBODA (EPP, CZ) on the draft Council decision on the conclusion, on behalf of the European Union, of the European Convention on the legal protection of services based on, or consisting of, conditional access.

The committee recommended that Parliament give its consent to the conclusion of the Convention.

The European Convention on the legal protection of services based on, or consisting of, conditional access was adopted on 24 January 2001 and entered into force on 1 July 2003.

The Convention establishes a regulatory framework almost identical to Directive 98/84/EC of the European Parliament and of the Council on the legal protection of services based on, or consisting of, conditional access.

The conclusion of the Convention would send out a strong signal in favour of this Convention, thereby helping to extend the provisions of [Directive 98/84/EC](#) beyond the borders of the EU, and would establish legislation on services based on conditional access which would be applicable throughout the continent of Europe.

## European Convention on the legal protection of services based on, or consisting of, conditional access

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The European Parliament adopted by 622 votes to 53 with 7 abstentions, a legislative resolution on the conclusion, on behalf of the European Union, of the European Convention on the legal protection of services based on, or consisting of, conditional access.

Following the recommendation of its Legal Affairs Committee, Parliament gave its consent to the conclusion of the Convention.

## European Convention on the legal protection of services based on, or consisting of, conditional access

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**PURPOSE:** to conclude, on behalf of the Union, the European Convention on the legal protection of services based on, or consisting of, conditional access.

**NON LEGISLATIVE ACT:** Council Decision (EU) 2015/1293 on the conclusion, on behalf of the European Union, of the European Convention on the legal protection of services based on, or consisting of, conditional access.

**CONTENT:** by this Decision, the European Convention on the legal protection of services based on, or consisting of, conditional access is approved on behalf of the Union.

The European Convention on the legal protection of services based on, or consisting of, conditional access was adopted by the Council of Europe on 24 January 2001 and entered into force on 1 July 2003. It establishes a regulatory framework that is almost identical to that set out in [Directive 98/84/EC](#) of the European Parliament and of the Council.

On 21 December 2011, the Convention was signed on behalf of the Union on the basis of Council Decision [2011/853/EU](#), which has since been replaced by [Council Decision 2014/243/EU](#). The conclusion of the Convention could help to extend the application of provisions similar to those in Directive 98/84/EC beyond the borders of the Union, and establish a law on services based on conditional access, which would be applicable throughout the European continent.

In a Statement annexed to the Decision, the EU, while fully recognising the objectives pursued by the European Convention expresses its concern regarding the application of Article 9 and Article 10(3) of the Convention, following the accession of the Union thereto, on the basis of its exclusive competence.

**ENTRY INTO FORCE :** 20.7.2015.