

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

2010/0361(NLE) - 14/02/2012 - Legislative proposal

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.