Electronic communications: authorisation of networks and services

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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 limit 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 authorites. 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 toallow service providers and consumers to benefit from the economies of scale of the single European market.