Electronic communications: authorisation of networks and services

2000/0188(COD) - 04/07/2001 - Modified legislative proposal

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.