General authorizations and individual licences in the field of telecommunications services (common framework)

1995/0282(COD) - 22/05/1996 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr W.G. VAN VELZEN (PPE, NL) on the proposal for a Directive on a common framework for general authorizations and individual licences in the field of telecommunications services. The amendments adopted by Parliament concern: - the scope of the directive: the directive concerns the granting of authorizations for the provision of services but also the establishment and/or operation of the infrastructure needed for the provision of such services. Radio and television broadcasting are expressly excluded from the scope of the directive; - the regulatory authorities: the Member States must guarantee the independence of the national regulatory authorities by complying with the following two conditions: a) they must be legally separate from and functionally independent of all organizations supplying telecommunications networks, equipment and/or services and in possession of the necessary resources to fulfil their duties in full autonomy; b) Member States which maintain ownership of organizations which supply telecommunications networks, equipment or services must guarantee an effective structural separation between the regulatory functions and the activities associated with exercising rights of ownership and activities of control. Finally, the European Parliament considered it reasonable to provide that, when this Directive is reviewed, the possibility of the creation of a European regulatory authority should be considered; - universal service: Parliament excluded the possibility of sheltering behind specific national conditions in order to limit its scope. The obligation of contributing to the financing of the universal service was not a justification for imposing individual licences. The European Parliament emphasized compliance with substantive obligations concerning coverage of low population areas; - conditions for authorization: Parliament called for the widest possible dissemination of information at European level through the national official gazette of the Member State concerned and the Official Journal of the European Communities. It specified the purposes for which the Member States may require individual licences as well as the requirements, time limits and appeal procedures with regard to individual licences. It proposed that, under certain conditions, limits on the number of individual licences should also involve the establishment and/or operation of telecommunications infrastructure. It called on the Member States periodically to review whether the availability of frequencies should be increased; - time limits: Parliament proposed bringing forward the deadlines both for the implementation of the Directive (1 July 1998) and for harmonizing the conditions attached to general authorizations (1 January 2000). It called for the Commission, during the transitional period, to be authorized to examine "at any time" any conditions, criteria and/or procedures set out in a national authorization.