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

1995/0282(COD) - 10/04/1997 - Final act

OBJECTIVE: to complete the regulatory framework with a view to the complete liberalization of telecommunications in 1998, by establishing a common framework for the granting of general authorizations and licences. COMMUNITY MEASURE: Directive 97/13/EC of the European Parliament and of the Council on a common framework for general authorizations and individual licences in the field of telecommunications services. SUBSTANCE: the Directive lays down common rules to be applied by the Member States regarding procedures and conditions for providing telecommunications services when new entrants seek access to the market for them. Its main provisions are as follows: - Member States are to ensure that telecommunications services and/or networks can be provided either without authorization or on the basis of a general authorization, supplemented where appropriate by rights and obligations necessitating individual licensing. Individual licences may be issued only to allow the licensee access to radio frequencies or numbers, to give him particular rights or impose certain obligations, which are exhaustively listed (e.g. provision of universal services). - Member States are permitted to limit the number of individual licences for a category of telecommunications services and for the establishment and /or operation of telecommunications infrastructure only to the extent necessary to ensure the efficient use of frequencies or for as long as is necessary to make sufficient numbers available. - All conditions attached to licences must be objectively justified in the light of the service concerned, non-discriminatory, proportionate and transparent. Similar criteria apply to fees and charges payable by businesses in connection with licensing procedures. The conditions in question, which are listed in the annex to the Directive, are designed to ensure that essential relevant requirements are complied with (e.g. secure operation of the network, data protection, environment and town-planning objectives, prevention of interference, etc.). The conditions concerning individual licences are likewise listed in the annex. - In order to facilitate the provision of new services, the Directive lays down that a provider of new services may start to operate after 6 weeks, unless there are clearcut reasons why his application should be rejected. If it is rejected, there is provision for appeal. - Lastly, to facilitate the provision of telecommunications services throughout the Community, a one-stop shopping procedure is to be established. A licensing committee consisting of representatives of the Member States will help to implement the Directive. DATE OF ENTRY INTO FORCE: 27/05/1997 DEADLINE FOR TRANSPOSITION: 31/12/1997