Encrypted services: legal protection of services based on or consisting of conditional access

1997/0198(COD) - 20/11/1998 - Final act

OBJECTIVE: to ensure an adequate level of legal protection of television or radio broadcasting services and information society services provided in return for remuneration and on the basis of conditional access. COMMUNITY MEASURE: 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. SUBSTANCE: the Directive requires Member States to prohibit a wide range of piracy for commercial purposes with regard to illicit decoders, smart cards and software which neutralise conditional access systems and make it possible to receive services free of charge, and to introduce appropriate penalties for these activities. The Directive defines as 'protected services' television or radio broadcasting services, information society services and the provision of conditional access as a service in its own right. Thus it covers all services provided on the basis of conditional access, such as pay TV and radio, video and audio services on demand, electronic publishing or a wide range of on-line services, all of which are offered to the public on subscription or on a pay-per-use basis. It requires Member States to prohibit: - the manufacture, import, sale, possession, installation, maintenance or replacement for commercial purposes of an illicit device; - the use of commercial communications to promote illicit devices. It is up to Member States to take measures against possession or use of illicit devices for private purposes. The Directive requires effective, dissuasive and proportionate penalties to be imposed for infringements. Service-providers will be able to bring proceedings for damages, seek an injunction or other preventive measure and, where appropriate, apply for seizure of illicit devices. ENTRY INTO FORCE: 28/11/1998. DEADLINE FOR TRANSPOSITION: 28/05/2000.