Basic information

1995/0282(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
General authorizations and individual licences in the field of telecommunications services (common framework) **Subject** 3.30.03 Telecommunications, data transmission, telephone	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	VAN VELZEN W.G. (PPE)	18/12/1995

Former committee responsible	Former rapporteur	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	VAN VELZEN W.G. (PPE)	18/12/1995

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets		
ENER Research, Technological Development and Energy	DE GAULLE Charles (EDN)	16/01/1996
JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
TRAN Transport and Tourism	ERIKSSON Marianne (GUE/NGL)	26/03/1996

Council of the European Union

Council configuration	Meetings	Date
Environment	1978	1996-12-09
Telecommunications	1949	1996-09-27
Telecommunications	1991	1997-03-06
Telecommunications	1888	1995-11-27
Telecommunications	1941	1996-06-27

Key events

Date	Event	Reference	Summary
14/11/1995	Legislative proposal published	COM(1995)0545	Summary
27/11/1995	Debate in Council		
16/02/1996	Committee referral announced in Parliament, 1st reading		
25/04/1996	Vote in committee, 1st reading		Summary
25/04/1996	Committee report tabled for plenary, 1st reading	A4-0142/1996	
21/05/1996	Debate in Parliament		Summary
27/06/1996	Debate in Council		
31/07/1996	Modified legislative proposal published	COM(1996)0342	Summary
06/12/1996	Council position published	10933/1/1996	Summary
12/12/1996	Committee referral announced in Parliament, 2nd reading		
17/02/1997	Vote in committee, 2nd reading		Summary
17/02/1997	Committee recommendation tabled for plenary, 2nd reading	A4-0051/1997	
20/02/1997	Debate in Parliament		Summary
06/03/1997	Act approved by Council, 2nd reading		
10/04/1997	Final act signed		
10/04/1997	End of procedure in Parliament		
07/05/1997	Final act published in Official Journal		

Technical information

Procedure reference	1995/0282(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (before Amsterdam) E 066 EC Treaty (before Amsterdam) E 057-p2 EC Treaty (before Amsterdam) E 100A
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/08502

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee report tabled for plenary, 1st reading/single reading		A4-0142/1996 OJ C 152 27.05.1996, p. 0004	25/04/1996	
Text adopted by Parliament, 1st reading/single reading		T4-0242/1996 OJ C 166 10.06.1996, p. 0055-0078	22/05/1996	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0051/1997 OJ C 085 17.03.1997, p. 0014	17/02/1997	
Text adopted by Parliament, 2nd reading		T4-0051/1997 OJ C 085 17.03.1997, p. 0099-0110	20/02/1997	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	10933/1/1996 OJ C 041 10.02.1997, p. 0048	06/12/1996	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1995)0545 OJ C 090 27.03.1996, p. 0005	14/11/1995	Summary
Modified legislative proposal	COM(1996)0342 OJ C 291 04.10.1996, p. 0012	31/07/1996	Summary
Commission communication on Council's position	SEC(1996)2250	09/12/1996	
Commission opinion on Parliament's position at 2nd reading	COM(1997)0100	03/03/1997	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0530/1996 OJ C 204 15.07.1996, p. 0017	24/04/1996	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 1997/0013
OJ L 117 07.05.1997, p. 0015

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

1995/0282(COD) - 06/12/1996 - Council position

The Council adopted its common position concerning the Directive on a common framework for general authorizations and individual licences in the field of telecommunications services. With regard to Parliament's amendments, in numerous instances the Council endorsed the Commission position as put forward in its modified proposal. The Council also introduced changes of substance to the Commission proposal. The main changes are as follows: - scope: a new provision was added in order to clarify the relationship with other national regulations or measures; - general authorizations: no information was provided in particular as regards definition; - individual licences: the common position lists the only reasons justifying the issue of individual licences. Nevertheless, it provides that the provision of voice telephony services, the establishment and provision of public telecommunications networks as well as other networks involving the use of radio frequencies could be subject to individual licences given that provision was made for a review of these arrangements. A number of individual licences could also be limited during the time needed to bring into service sufficient numbers in accordance with Community law. A series of clarifications was also added as regards the relationship with general authorizations, amendment of conditions, the procedures applicable - notably as regards time limits and in the event of suspension or withdrawal - and the conditions which may be attached to them; - harmonization: the Council thought Members States' national authorities were perfectly capable of deciding on the granting of individual licences and the definition of the level of charges, and it did not therefore provide for the harmonization of these aspects; - one-stop-shopping procedure: the body considered for the implementation of this procedure, namely CEPT/ECTRA-ERC, is expressly mentioned and the procedure is extended to the notification procedures covered by general authorizations; - a 'Licencing Committee' composed of the representatives of the Member States will be responsible for implementing the Directive. Among the amendments not accepted by the common position were those concerning references to the possibility of establishing a regulatory authority, to the numbering plans and to the portability of numbers.

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

1995/0282(COD) - 03/03/1997 - Commission opinion on Parliament's position at 2nd reading

The Commission accepted without modification the 6 amendments adopted by Parliament at second reading. It considered, in particular, that these amendments: - were based on matters and principles of importance which would need to be taken into account within the framework of any future Community initiatives when the directive was reviewed on 1 January 2000; - helped to clarify the scope of individual licences; - gave companies wishing to obtain a licence additional guarantees in the essential field of new services; - helped to clarify the Annex.

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.

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

1995/0282(COD) - 27/09/1996

The Council reached a political agreement on the common position by qualified majority. The Greek delegation announced that it intended voting against the common position.

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

1995/0282(COD) - 20/02/1997 - Text adopted by Parliament, 2nd reading

In adopting the recommendation for second reading by Mr W. G. van VELZEN (EPP, NL) Parliament amended the Council's common position on the directive on a common framework for general authorizations and individual licences in the field of telecommunications services. With its amendments Parliament wishes to facilitate the provision of new services in the information society by allowing a service provider to start to provide a new service after six weeks where there are no clear reasons for rejecting his demand. It also requires the Member States to introduce a procedure for appeals to an institution independent of the national regulatory authority against refusals to adopt provisional or definitive conditions, rejections of applications or refusals to consent to the provision of the service concerned without authorization. Lastly it asks that the Commission, in the report which it is to present in 2000, make legislative proposals with a view to establishing a telecommunications committee responsible for coordinating all activities in this sector.

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

1995/0282(COD) - 24/04/1996 - Economic and Social Committee: opinion, report

The Economic and Social Committee welcomes the Commission proposal and restates its view that licence award procedures should be as streamlined and straightforward as possible. The Committee believes that general and individual authorization procedures must comply with public interest and public service objectives, and it supports the possibility of introducing specific conditions which may attach to authorizations granted to operators wishing to access public networks. In any case, the categories of rights and obligations for authorizations must be balanced, without unnecessary obligations being imposed on new market operators.

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

1995/0282(COD) - 14/11/1995 - Legislative proposal

OBJECTIVE: to complete the regulatory framework with a view to the complete liberalisation of the telecommunications sector in 1998, by proposing a common framework for the granting of general authorisations and licences. SUBSTANCE: the proposal for a directive is designed to supplement Directive 90/388/EEC and lays down the rules to be respected at national level when granting authorisations in the field of telecommunications services. The Member States will not be required to impose an authorisation system, but those who do so will have to comply with the following principles: - they may only limit the number of new operators to the extent required to ensure the efficient use of radio frequencies; - priority must be given to the general authorisations system over that for individual licences, as the latter are only required if the beneficiary wishes to access scarce resources (radio frequencies, numbers, public or private land); - procedures must be open, transparent and non-discriminatory, with priority given to the least restrictive system and the possibility of appeal; - the procedures for granting authorisation and the conditions involved must be harmonised; - cross-border services must be respected.

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

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

1995/0282(COD) - 31/07/1996 - Modified legislative proposal

The amended proposal for a Directive on a common framework for general authorizations and individual licences in the field of telecommunications services incorporates, in full or in part, 26 of the 37 amendments adopted by Parliament at first reading. The Commission accepted those amendments which: - increase the transparency of the proposed regulatory framework for authorization; - improve the clarity of the text, in particular with regard to its scope; - offer better guarantees to new entrants; - introduce flexibility in the procedures for the granting of authorizations and the conditions attached to authorizations; - support the need to review in the future the balance between regulation at the European level and at the national level, including the possibility of a European regulatory authority for telecommunications after 1998. Amendments not accepted by the Commission concern the following points: - national regulatory authorities; - limitation of the facilitation of entry by new operators; - consistency with the proposed Directive on interconnection (reference to number portability); - fees not related to administrative costs; - anticipation of deadlines; - commitology; - research and training conditions in licences; - individual licences for telephony services between the Community and third countries; - individual licences for town and country planning or protection of environment reasons.