

Screening of Chapter 10 – Information Society and Media

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The Authorisation Directive

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Authorisation Directive Simplification

- **Directive 2002/20/EC on the authorisation of electronic communications networks and services**
- **Harmonisation and simplification of authorisation rules and conditions**
- **Objective to create a legal framework to ensure the freedom to provide networks and services**

From individual license to general authorisation

- **All electronic communications services and networks covered by a general authorisation**
 - **General authorisation – legal framework ensuring rights for the provision of services**
 - **Notification procedure only – no explicit decision or administrative act**
 - **Declaration of rights upon request**
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Conditions attached to the general authorisation

- **Article 6 and Annex Part A**
- **Maximum list of conditions which may be attached**
- **Sector-specific conditions only**
- **Must be objectively justified in relation to the network or service; non-discriminatory, proportionate and transparent**

Rights of use

- **Individual rights of usage only for radio frequencies and numbers**
- **... and only where necessary**
- **Open, transparent and non-discriminatory procedures**
- **Numbers 3 weeks; Frequencies 6 weeks**

Conditions attached to rights of use

- **Article 6 and Annex Part B**
- **Designation of service or type of network or technology, technical conditions for use**
- **Efficient use and coverage requirements**
- **Duration of rights and usage fees**
- **Must not duplicate conditions of general authorisation**

Limiting the number of rights of use

- **Analysis and consultation in advance; reviewed periodically or upon request**
- **Selection criteria that are objective, transparent, non-discriminatory and proportionate**
- **Article 8 Framework Directive: efficient use and effective management of frequency resources**
- **Competitive or comparative selection procedures: maximum 8 months**

Limiting the burden on operators

- **Charges – limited to real administrative costs, transparent and proportionate; annual review / adjustments**
- **Ex-ante information required by NRAs limited to minimum; ex-post information limited to specific purposes**
- **Proportionate penalties for non-compliance with conditions, withdrawal / suspension of the right to provide a service in exceptional cases only**

Authorisation Directive Areas for improvement

- **Simplification of national regimes to facilitate cross-border and pan-European service provision**
- **Common approach to the allocation/assignment of radio frequencies at European level**
- **New Member States: adaptation of existing authorisations and eliminating discrimination between “old” and “new” entrants**