

Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast) (Text with EEA relevance)

PART I

FRAMEWORK (GENERAL RULES FOR THE ORGANISATION OF THE SECTOR)

TITLE I

SCOPE, AIM AND OBJECTIVES, DEFINITIONS

CHAPTER I

Subject matter, aim and definitions

- Article 1 Subject matter, scope and aims
- Article 2 Definitions

CHAPTER II

Objectives

- Article 3 General objectives
- Article 4 Strategic planning and coordination of radio spectrum policy

TITLE II

INSTITUTIONAL SET-UP AND GOVERNANCE

CHAPTER I

National regulatory and other competent authorities

- Article 5 National regulatory and other competent authorities
- Article 6 Independence of national regulatory and other competent authorities
- Article 7 Appointment and dismissal of members of national regulatory authorities
- Article 8 Political independence and accountability of the national regulatory authorities
- Article 9 Regulatory capacity of national regulatory authorities
- Article 10 Participation of national regulatory authorities in BEREC
- Article 11 Cooperation with national authorities

CHAPTER II

General authorisation

Section 1

General part

- Article 12 General authorisation of electronic communications networks and services
- Article 13 Conditions attached to the general authorisation and to the rights of use for radio spectrum and for numbering resources, and specific obligations
- Article 14 Declarations to facilitate the exercise of rights to install facilities and rights of interconnection

Section 2

General authorisation rights and obligations

- Article 15 Minimum list of rights derived from the general authorisation
- Article 16 Administrative charges
- Article 17 Accounting separation and financial reports

Section 3

Amendment and withdrawal

- Article 18 Amendment of rights and obligations
- Article 19 Restriction or withdrawal of rights

CHAPTER III

Provision of information, surveys and consultation mechanism

- Article 20 Information request to undertakings
- Article 21 Information required with regard to the general authorisation, rights of use and specific obligations
- Article 22 Geographical surveys of network deployments
- Article 23 Consultation and transparency mechanism
- Article 24 Consultation of interested parties
- Article 25 Out-of-court dispute resolution
- Article 26 Dispute resolution between undertakings
- Article 27 Resolution of cross-border disputes
- Article 28 Radio Spectrum Coordination among Member States

TITLE III

IMPLEMENTATION

- Article 29 Penalties
- Article 30 Compliance with the conditions of the general authorisation or of rights of use for radio spectrum and for numbering resources and compliance with specific obligations

Article 31 Right of appeal

TITLE IV

INTERNAL MARKET PROCEDURES

CHAPTER I

Article 32 Consolidating the internal market for electronic communications
Article 33 Procedure for the consistent application of remedies
Article 34 Implementing provisions

CHAPTER II

Consistent radio spectrum assignment

Article 35 Peer review process
Article 36 Harmonised assignment of radio spectrum
Article 37 Joint authorisation process to grant individual rights of use for
radio spectrum

CHAPTER III

Harmonisation procedures

Article 38 Harmonisation procedures
Article 39 Standardisation

TITLE V

SECURITY

Article 40 Security of networks and services
Article 41 Implementation and enforcement

PART II

NETWORKS

TITLE I

MARKET ENTRY AND DEPLOYMENT

CHAPTER I

Fees

Article 42 Fees for rights of use for radio spectrum and rights to install
facilities

CHAPTER II

Access to land

- Article 43 Rights of way
Article 44 Co-location and sharing of network elements and associated facilities for providers of electronic communications networks

CHAPTER III

Access to radio spectrum

Section 1

Authorisations

- Article 45 Management of radio spectrum
Article 46 Authorisation of the use of radio spectrum
Article 47 Conditions attached to individual rights of use for radio spectrum

Section 2

Rights of use

- Article 48 Granting of individual rights of use for radio spectrum
Article 49 Duration of rights
Article 50 Renewal of individual rights of use for harmonised radio spectrum
Article 51 Transfer or lease of individual rights of use for radio spectrum
Article 52 Competition

Section 3

Procedures

- Article 53 Coordinated timing of assignments
Article 54 Coordinated timing of assignments for specific 5G bands
Article 55 Procedure for limiting the number of rights of use to be granted for radio spectrum

CHAPTER IV

Deployment and use of wireless network equipment

- Article 56 Access to radio local area networks
Article 57 Deployment and operation of small-area wireless access points
Article 58 Technical regulations on electromagnetic fields

TITLE II

ACCESS

CHAPTER I

General provisions, access principles

- Article 59 General framework for access and interconnection
- Article 60 Rights and obligations of undertakings

CHAPTER II

Access and interconnection

- Article 61 Powers and responsibilities of the national regulatory and other competent authorities with regard to access and interconnection
- Article 62 Conditional access systems and other facilities

CHAPTER III

Market analysis and significant market power

- Article 63 Undertakings with significant market power
- Article 64 Procedure for the identification and definition of markets
- Article 65 Procedure for the identification of transnational markets
- Article 66 Procedure for the identification of transnational demand
- Article 67 Market analysis procedure

CHAPTER IV

Access remedies imposed on undertakings with significant market power

- Article 68 Imposition, amendment or withdrawal of obligations
- Article 69 Obligation of transparency
- Article 70 Obligations of non-discrimination
- Article 71 Obligation of accounting separation
- Article 72 Access to civil engineering
- Article 73 Obligations of access to, and use of, specific network elements and associated facilities
- Article 74 Price control and cost accounting obligations
- Article 75 Termination rates
- Article 76 Regulatory treatment of new very high capacity network elements
- Article 77 Functional separation
- Article 78 Voluntary separation by a vertically integrated undertaking
- Article 79 Commitments procedure
- Article 80 Wholesale-only undertakings
- Article 81 Migration from legacy infrastructure
- Article 82 BEREC guidelines on very high capacity networks

CHAPTER V

Regulatory control of retail services

Article 83 Regulatory control of retail services

PART III

SERVICES

TITLE I

UNIVERSAL SERVICE OBLIGATIONS

Article 84 Affordable universal service
Article 85 Provision of affordable universal service
Article 86 Availability of universal service
Article 87 Status of the existing universal service
Article 88 Control of expenditure
Article 89 Cost of universal service obligations
Article 90 Financing of universal service obligations
Article 91 Transparency
Article 92 Additional mandatory services

TITLE II

NUMBERING RESOURCES

Article 93 Numbering resources
Article 94 Procedure for granting of rights of use for numbering resources
Article 95 Fees for rights of use for numbering resources
Article 96 Missing children and child helpline hotlines
Article 97 Access to numbers and services

TITLE III

END-USER RIGHTS

Article 98 Exemption of certain microenterprises
Article 99 Non-discrimination
Article 100 Fundamental rights safeguard
Article 101 Level of harmonisation
Article 102 Information requirements for contracts
Article 103 Transparency, comparison of offers and publication of
information
Article 104 Quality of service related to internet access services and publicly
available interpersonal communications services
Article 105 Contract duration and termination
Article 106 Provider switching and number portability
Article 107 Bundled offers
Article 108 Availability of services
Article 109 Emergency communications and the single European emergency
number
Article 110 Public warning system
Article 111 Equivalent access and choice for end-users with disabilities

Article 112	Directory enquiry services
Article 113	Interoperability of car radio and consumer radio receivers and consumer digital television equipment
Article 114	'Must carry' obligations
Article 115	Provision of additional facilities
Article 116	Adaptation of annexes

PART IV

FINAL PROVISIONS

Article 117	Exercise of the delegation
Article 118	Committee
Article 119	Exchange of information
Article 120	Publication of information
Article 121	Notification and monitoring
Article 122	Review procedures
Article 123	Specific review procedure on end-user rights
Article 124	Transposition
Article 125	Repeal
Article 126	Entry into force
Article 127	Addressees

ANNEX I

LIST OF CONDITIONS WHICH MAY BE ATTACHED TO GENERAL AUTHORISATIONS, RIGHTS OF USE FOR RADIO SPECTRUM AND RIGHTS OF USE FOR NUMBERING RESOURCES

This Annex provides for the maximum list of conditions which...

- A. General conditions which may be attached to a general authorisation...
- B. Specific conditions which may be attached to a general authorisation...
- C. Specific conditions which may be attached to a general authorisation...
- D. Conditions which may be attached to rights of use for...
- E. Conditions which may be attached to rights of use for...

ANNEX II

CONDITIONS FOR ACCESS TO DIGITAL TELEVISION AND RADIO SERVICES BROADCAST TO VIEWERS AND LISTENERS IN THE UNION

Part I

Conditions for conditional access systems to be applied in accordance with Article 62(1)

Part II

Other facilities to which conditions may be applied under point (D) of Article 61(2)

ANNEX III

CRITERIA FOR THE DETERMINATION OF WHOLESALE VOICE TERMINATION RATES

Principles, criteria and parameters for the determination of rates
for...
rates shall be based on the recovery of costs incurred...

ANNEX IV

CRITERIA FOR ASSESSING CO-INVESTMENT OFFERS

When assessing a co-investment offer pursuant to Article 76(1),
the national...
The co-investment offer shall be open to any undertaking over...

ANNEX V

MINIMUM SET OF SERVICES WHICH THE ADEQUATE BROADBAND INTERNET ACCESS SERVICE IN ACCORDANCE WITH ARTICLE 84(3) SHALL BE CAPABLE OF SUPPORTING

E-mail search engines enabling search and finding of all type...

ANNEX VI

DESCRIPTION OF FACILITIES AND SERVICES REFERRED TO IN ARTICLE 88 (CONTROL OF EXPENDITURE), ARTICLE 115 (ADDITIONAL FACILITIES) AND ARTICLE 106 (PROVIDER SWITCHING AND NUMBER PORTABILITY)

Part A

Facilities and services referred to in Articles 88 and 115

Part B

Facilities referred to in Article 115

Part C

Implementation of the number portability provisions referred to in Article 106

ANNEX VII

CALCULATING THE NET COST, IF ANY, OF UNIVERSAL SERVICE OBLIGATIONS AND ESTABLISHING ANY COMPENSATION OR SHARING MECHANISM IN ACCORDANCE WITH ARTICLES 89 AND 90

Part A

Calculation of net cost

Part B

Compensation of net costs of universal service obligations

ANNEX VIII

INFORMATION REQUIREMENTS TO BE PROVIDED IN ACCORDANCE WITH ARTICLE 102 (INFORMATION REQUIREMENTS FOR CONTRACTS)

Information requirements for providers of publicly available
electronic communications services...

ANNEX IX

INFORMATION TO BE PUBLISHED IN ACCORDANCE WITH ARTICLE 103 (TRANSPARENCY AND PUBLICATION OF INFORMATION)

The competent authority in coordination, where relevant, with the
national...

1. Contact details of the undertaking
2. Description of the services offered
 - 2.1. Scope of the services offered and the main characteristics of...
 - 2.2. Tariffs of the services offered, including information on communications volumes...
 - 2.3. After-sales, maintenance and customer assistance services offered and their contact...
 - 2.4. Standard contract conditions, including contract duration, charges due on early...
 - 2.5. If the undertaking is a provider of number-based interpersonal communications...
 - 2.6. Details of products and services, including any functions, practices, policies...
3. Dispute resolution mechanisms, including those developed by the undertaking.

ANNEX X

QUALITY OF SERVICE PARAMETERS

Quality-of-Service Parameters, Definitions and Measurement Methods referred to in Article 104...

Version number of ETSI EG 202 057-1 is 1.3.1 (July 2008)

Note 1

Note 2

ANNEX XI

INTEROPERABILITY OF CAR RADIO RECEIVERS AND CONSUMER DIGITAL TELEVISION EQUIPMENT REFERRED TO IN ARTICLE 113

1. Common scrambling algorithm and free-to-air reception
2. Interoperability for digital television sets
3. Interoperability for car radio receivers

ANNEX XII

Part A

Repealed Directives with list of the successive amendments thereto

Part B

Time-limits for transposition into national law and dates of application

ANNEX XIII

CORRELATION TABLE

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (1) [OJ C 125, 21.4.2017, p. 56.](#)
- (2) [OJ C 207, 30.6.2017, p. 87.](#)
- (3) Position of the European Parliament of 14 November 2018 (not yet published in the Official Journal) and decision of the Council of 4 December 2018.
- (4) Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive) ([OJ L 108, 24.4.2002, p. 7.](#))
- (5) Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) ([OJ L 108, 24.4.2002, p. 21.](#))
- (6) Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ([OJ L 108, 24.4.2002, p. 33.](#))
- (7) Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) ([OJ L 108, 24.4.2002, p. 51.](#))
- (8) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ([OJ L 201, 31.7.2002, p. 37.](#))
- (9) Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office ([OJ L 337, 18.12.2009, p. 1.](#))
- (10) [OJ C 77, 28.3.2002, p. 1.](#)
- (11) Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) ([OJ L 95, 15.4.2010, p. 1.](#))
- (12) Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC ([OJ L 153, 22.5.2014, p. 62.](#))
- (13) Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services ([OJ L 241, 17.9.2015, p. 1.](#))
- (14) Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union ([OJ L 310, 26.11.2015, p. 1.](#))
- (15) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) ([OJ L 119, 4.5.2016, p. 1.](#))
- (16) Judgment of the Court of Justice of 26 April 1988, *Bond van Adverteerders and Others v The Netherlands State*, C-352/85, ECLI: EU:C:1988:196.
- (17) Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015 concerning type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC ([OJ L 123, 19.5.2015, p 77.](#))
- (18) Commission Regulation (EU) No 305/2013 of 26 November 2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall ([OJ L 91, 3.4.2013, p. 1.](#))
- (19) Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme ([OJ L 81, 21.3.2012, p. 7.](#))

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (20) Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union (OJ L 172, 30.6.2012, p. 10).
- (21) in particular the judgment of the Court of Justice of 16 October 2012, European Commission v Republic of Austria, Case C-614/10, ECLI:EU:C:2012:631.
- (22) Directive 2014/61/EU of the European Parliament and of the Council of 15 May 2014 on measures to reduce the cost of deploying high-speed electronic communications networks (OJ L 155, 23.5.2014, p. 1).
- (23) Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).
- (24) Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (OJ L 108, 24.4.2002, p. 1).
- (25) Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).
- (26) Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).
- (27) Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).
- (28) Commission Decision 2002/622/EC of 26 July 2002 establishing a Radio Spectrum Policy Group (OJ L 198, 27.7.2002, p. 49).
- (29) Directive 2014/30/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to electromagnetic compatibility (OJ L 96, 29.3.2014, p. 79).
- (30) Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357).
- (31) Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).
- (32) Council Recommendation 1999/519/EC of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) (OJ L 199, 30.7.1999, p. 59).
- (33) Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 on the use of the 470-790 MHz frequency band in the Union (OJ L 138, 25.5.2017, p. 131).
- (34) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).
- (35) Commission Recommendation 2005/698/EC of 19 September 2005 on accounting separation and cost accounting systems under the regulatory framework for electronic communications (OJ L 266, 11.10.2005, p. 64).
- (36) Commission Recommendation 2013/466/EU of 11 September 2013 on consistent non-discrimination obligations and costing methodologies to promote competition and enhance the broadband investment environment (OJ L 251, 21.9.2013, p. 13).
- (37) Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).
- (38) Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).
- (39) Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services (OJ L 249, 17.9.2002, p. 21).

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (40) [OJ L 123, 12.5.2016, p. 1.](#)
- (41) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ([OJ L 55, 28.2.2011, p. 13](#)).
- (42) [OJ C 369, 17.12.2011, p. 14.](#)