

FINAL CA9A Penalties

The CA covers Art 29. All relevant AMs, including AMs 58, 866-867, 424 (last sentence) and 509, as well as IMCO xx, [CULT yy](#), [LIBE zz](#), fall.

Article 29

Penalties and compensation

1. Member States shall lay down rules on penalties, **including** fines and periodic penalties, where necessary, **in order to prevent** infringements of national provisions adopted pursuant to this Directive or of any relevant legally binding decision of the national regulatory or other competent authority¹ and shall take all measures necessary to ensure that they are implemented. **Without prejudice to Article 30, those rules shall ensure that the national regulatory authorities and other competent authorities have the power, if appropriate when imposing an obligation, to impose predetermined financial penalties to be paid to the relevant authority, to end-users, and/or to other undertakings for the infringement breach of the relevant obligation.**² Within the limits of national constitutional law, national regulatory and other competent authorities shall have the power to impose such penalties. The penalties provided for must be appropriate, effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by [date for transposition] and shall notify it without delay of any subsequent amendment affecting them.

2. Member States shall ensure that any user who has suffered material or non-material damage as a result of an infringement of this Directive has the right to receive compensation from the infringer for the damage suffered, unless the infringer proves that it is not in any way responsible for the event giving rise to the damage.³ Any predetermined financial penalties payable to the user **pursuant to ~~under~~ paragraph 1 shall be deducted from the compensation referred to in this paragraph.**⁴

3. A holder of rights of use for radio spectrum shall be compensated with regard to investments made following any amendment, restriction or withdrawal of such rights in **infringement breach** of Articles 18 or 19.⁵

1 DR AM 58. [DLA input](#).

2 AM 866 (Langen et al)/867 (Lopez et al) (as amended). [DLA input](#).

3 AM 509 (Kumpula-Natri) (as amended)

4 [DLA input](#)

5 Shadows 11/7; tech 12/7. [DLA input](#).