

CA X

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 **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 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 authority, to end-users, and/or to other undertakings for breach of the 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 under paragraph 1 shall be deducted from the compensation. **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 breach of Articles 18 or 19.**

~~2. Member States shall ensure that holders of rights of use for radio spectrum or numbers, rights to install facilities or of general authorisation are adequately and proportionally compensated with regards to investments made following any amendment, restriction or withdrawal of such rights in contravention of Articles 18 or 19.~~⁴

1 DR AM 58.

2 AM 866 (Langen et al)/867 (Lopez et al) (as amended)

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

4 ~~AM 424 (Hokmark et al), last part (as amended).~~