[GR] Regulation of Devolution of a Part of Right of Use of Individual Radiofrequencies or Areas of Radiofrequencies

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On 8 December 2008, a Regulation entitled “Devolution or Leasing of a Part of Right of Use of Individual Radiofrequencies or Areas of Radiofrequencies” was published according to the Decision of the Minister of Transport and Communications, after a proposal of the *Ethiniki Epitropi Tilepikoinonion kai Taxidromion* (National Committee for Telecommunication and Post-Services - E.E.T.T.). The regulation was based on Article 26(5) of Law 3431/2006, the Greek legislative act that implemented the European directives 2002/19/EC (Access Directive), 2002/20/EC (Authorization Directive), 2002/21/EC (Framework Directive), 2002/22/EC (Universal Services Directive) and 2002/77/EC (E-Commerce Directive) into national law.

This decision determines the terms, conditions, criteria and processes for the devolution or leasing of part of a right of use of individual radio frequencies or areas of radio frequencies.

The decision consists of 9 Articles and 2 Annexes. The body of the decision can be divided into 4 parts:

- The first part (Arts. 1-3) describes the aim and the scope of the regulation. Furthermore, it provides some definitions (i.e., what is meant by the term “part of a right”), as well as the general principles that apply in the devolution and leasing of the above-mentioned radio frequencies.

- The second part (Arts. 4-5) refers to substantive issues: on which preconditions the right can be devolved or leased, what is actually devolved or leased, the obligations of each part, etc.

- The third part (Arts. 6-8) sets up the administrative procedure that must be followed in cases of devolution or leasing of the above-mentioned right. Moreover, it lays down the possible sanctions in cases of infringement of the regulation.

- The forth part (Art 9) determines the date of entry into force of the regulation.

Finally, as far as the Annexes are concerned, the first Annex determines the areas of frequencies and services for which the devolution and the leasing of the rights are, according to the regulation, allowed, while the second Annex specifies the

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required documents for the transfer of a part of the right.

Απόφαση υπ' αριθμόν 39957/1650, "Μεταβίβαση ή Εκμίσθωση Τμήματος Δικαιώματος Χρήσης Μεμονωμένων Ραδιοσυχνοτήτων ή Ζωνών Ραδιοσυχνοτήτων", Φύλλο Εφημερίδας Κυβερνήσεως (ΦΕΚ) Β 1836/2008

http://www.eett.gr/nopencms/export/sites/default/EETT/Electronic_Communications/Radio_Communications/Rigths_Of_Use/FEK1836.pdf

Decision No. 39957/1650, "Devolution or Leasing of a Part of Right of Use of Individual Radiofrequencies or Areas of Radiofrequencies", Official Journal No. B 1836/2008

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