

ELECTRONIC COMMUNICATIONS COMMITTEE

ECC Decision
of 15 November 2002
on exemption from individual licensing of
Satellite User Terminals
operating within the frequency bands
1525 - 1559 MHz space-to-Earth and
1626.5 - 1660.5 MHz Earth-to-space,
for land mobile applications

(ECC/DEC/(02)11)



EXPLANATORY MEMORANDUM

1 INTRODUCTION

Licensing is an appropriate tool for administrations to regulate the use of radio equipment and the efficient use of the frequency spectrum. However, the technical characteristics of radio equipment require less intervention from the administrations as far as the installation and use of equipment is concerned. Administrations and especially users, retailers and manufacturers will benefit from a more deregulated system of authorising the use of radio equipment.

2 BACKGROUND

There is a general agreement that when the efficient use of the frequency spectrum is not at risk and as long as harmful interference is unlikely, the installation and use of radio equipment might be exempted from licence. Within the EEA, Directives 1999/5/EC (the R&TTE Directive) and Directive 97/13/EC (the Licensing Directive) introduce the principle that individual licensing is only justified for reasons related to the effective/efficient use of the spectrum and the avoidance of harmful interference and protection of public health.

In general the CEPT administrations apply similar systems of licensing and exemption from individual licensing. However, different criteria are used to decide whether radio equipment should be licensed or exempted from an individual licence.

The free movement of radio equipment and the provision of Pan European services will be greatly assisted when all CEPT administrations exempt the same categories of radio equipment from licensing and apply -to achieve that- the same criteria.

When radio equipment is subject to an exemption from individual licensing, anyone can buy, install, possess and use the radio equipment without any prior individual permission from the administration. Furthermore, the administration will not register the individual equipment. The use of the equipment can be subject to general provisions or general licence.

3 REQUIREMENT FOR AN ECC DECISION

ERC/REC 01-07 that was adopted in 1995 listed harmonised criteria for the administrations to decide whether an exemption of individual licence should be applied. The aim of this Decision is to exempt satellite user terminals for land mobile operations operating in the bands 1525 - 1559 MHz space-to-Earth and 1626.5 - 1660.5 MHz Earth-to-Space, from individual licensing because they fulfil the criteria for exemption listed in ERC/REC 01-07.

4 RELATIONSHIP AND STATUS WITH RESPECT TO PREVIOUS ERC DECISIONS

This Decision covers the same band as earlier similar Decisions. The formulation of this Decision makes it possible for administrations to use it in combination with the earlier Decisions, or as the sole Decision for the exemption of individual licensing in this band, as it fits the national regime.

Whereas previous Decisions on exemption from individual licences have been each for a specific type of terminal operating within a particular system, the present Decision is generic in the sense that it applies in a general way to terminals and associated services which operate in the specified harmonised frequency bands and which fully meet the criteria of ERC/REC 01-07. In this respect, the present Decision shall apply both to new categories of terminals and services that are not specifically covered by earlier Decisions on exemption from individual licences in the same harmonised frequency bands and to the existing categories.

All previous ERC Decisions on exemption from individual licences in these bands will remain in force irrespective of this present Decision. Administrations have carefully to consider their choice as to whether to implement these previous Decisions, making the necessary adaptations in their legal frameworks as required, for which the operation of the associated terminals and systems currently rely. It is up to each administration whether it will base its provisions for this band on the existing Decisions or this generic Decision or a combination of these.

It is specifically noted that an administration's position regarding implementation of the present Decision shall not be considered in any way to give rise to an implicit position with respect to the implementation of any or all past Decisions on exemption from individual licences covering the same harmonised frequency bands.

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“The European Conference of Postal and Telecommunications Administrations,

considering

- a) that within the CEPT administrations there is a growing awareness of a need for harmonisation of licensing regimes in order to facilitate the free circulation of radio equipment;
- b) that it therefore would be desirable for CEPT administrations to have common licence regimes at their disposal in order to control the installation, ownership and use of radio equipment;
- c) that there is a strong desire within the CEPT administrations to improve efficiency by reducing the control exercised by administrations in the form of mandatory provisions;
- d) that there is considerable difference in national licensing, laws and regulations and that harmonisation therefore can only be introduced gradually;
- e) that national licensing regimes should be as simple as possible, in order to minimise the burden upon the administrations and users of equipment;
- f) that intervention by the national administrations with respect to the use of radio equipment should in general not exceed the level necessary for the efficient use of the frequency spectrum;
- g) that administrations should work towards the exemption of relevant radio equipment from individual licensing based on harmonised criteria detailed in ERC/REC 01-07;
- h) that previous Decisions on exemption from individual licences shall remain in force and that the choice of an administration as to implementation or non-implementation of such previous Decisions shall be entirely independent with respect to their choice on implementation of the present decision;
- i) that these terminals comply with relevant European and international standards for Essential Requirements with regard to radio EMC and safety, and also fulfil the criteria for exemption listed in ERC/REC 01-07.
- j) that this Decision shall not impede EEA member countries from fulfilling their obligations according to Community Law.

noting

- a) that satellite user terminals for land mobile applications operate under the control of the satellite system providing voice and data communications in the frequency bands 1525 - 1559 MHz space-to-Earth and 1626.5 - 1660.5 MHz Earth-to-space, excluding the bands 1544 - 1545 MHz and 1645.5 - 1646.5 MHz;
- b) that the satellite user terminals complying with the relevant European Telecommunications Standards (EN 301 681) or equivalent technical specifications also fulfil the conditions for licence exemption listed in ERC/REC 01-07.

DECIDES

1. to exempt satellite user terminals for land mobile applications operating in the frequency bands 1525 - 1559 MHz space-to-Earth and 1626.5 - 1660.5 MHz Earth-to-space that fulfil noting a) and b) from individual licensing;
2. that this Decision shall enter into force on 15 November 2002;
3. that CEPT administrations shall communicate the national measures implementing this Decision to the ECC Chairman and the Office when the Decision is nationally implemented.”

Note:

Please check the CEPT web site (<http://www.cept.org>) for the up to date position on the implementation of this and other ERC/ECC Decisions.