



European Radiocommunications Committee (ERC)  
within the European Conference of Postal and Telecommunications Administrations (CEPT)

**REGULATORY PROCEDURES TO BE FOLLOWED  
WHEN CHANGING FREQUENCY ALLOCATIONS**

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## REGULATORY PROCEDURES TO BE FOLLOWED WHEN CHANGING FREQUENCY ALLOCATIONS

### 1 INTRODUCTION

From time to time it is necessary to change the authorised use of a particular section of the radio spectrum. This can be as a consequence of changed frequency use at the European level and in these cases such specific changes will need to be detailed in CEPT Decisions or Recommendations.

In order for these changes to be achieved, various regulatory steps have to be undertaken. This paper outlines those “**steps**” and suggests “**standard text**” which could be included in relevant Decisions or Recommendations so that the results can be achieved in a harmonised way across Europe. However, at the moment Administrations are carrying out these changes in different ways and therefore it may be necessary to produce Recommendations and Decisions as the means to introduce the change.

When use of a frequency band is phased out, a number of things can happen: a new frequency band may have been allocated; a new allocation may not be made; or users may be expected to use other types of equipment. An example of the latter is that when CT is phased out, users could use DECT. In some cases the regulatory steps for phasing out will not include the steps to introduce a replacement frequency band.

In this document, reference is made to standards and Interface Regulations (IRs): the latter have been introduced following changes in the methods used for conformity assessment of radio equipment since the adoption of the EU RTTE (Radio and Telecommunications Terminal Equipment) Directive; but non-EEA countries may still be using standards for these purposes.

In trying to find a way in which to handle the regulatory aspects of phasing out, the following should be noted:

- The actual mechanisms used will vary between Administrations, partly because of differing legal procedures in those countries. Therefore it should be decided on a case by case basis whether the phasing out process might be better dealt with in a Recommendation or a Decision.
- There are many different kinds of reasons for phasing out use of a frequency band. Regulatory processes will change depending on the specific scenario at a given point in time.
- Regulatory processes to be used will also be different depending on whether the frequency band to be phased out is licensed or licence exempt.
- WGRR agrees that the need for a harmonised approach to phasing out is an important issue, and supports the work being done to find a resolution to it.

This attached document outlines the regulatory issues, explains the steps that need to be taken, and proposes some standard text that could be used in a Decision or Recommendation.

Depending on whether the frequency use is licensed or exempt from licensing, the regulatory processes to be undertaken may be different; these are separately described in Part A and B below respectively.

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#### **A. CHANGE OF SPECTRUM USE FOR LICENSED SERVICES**

These cases are relatively easy to manage, since use of the equipment – and thus the frequency allocation – will cease if licences are no longer issued or available. This process can be controlled via a transposition programme whereby licensees can be transferred onto any alternative spectrum, or the lifetime of the licence can lapse.

## **STEPS**

### **Actions to be taken are:**

1. Start date X announce change of spectrum allocation, and alert equipment manufacturers, retailers and users by making amendments to any standards or Interface Regulations (IR). These amendments will need to refer to the dates from which new licences will no longer be issued for a frequency band and/or equipment, and the dates from which equipment will no longer be able to be used on the old frequency Date Y.
- N.B. The time span between Dates X and Y will vary depending on e.g. the reasons for making the frequency change. However, it is suggested that the time interval might be at least five years so that users can change any equipment being used, and also to enable manufacturers to re-coup their investment.
2. Set and publish timetable for change; and notify licensees, users and manufacturers. There are many different ways in which the "notification" could be undertaken: e.g. in national frequency tables, information to holders of type approval, through national regulation, on websites.

Timetable will include:

- Initial announcements of intentions. Date X
- Formal notification of new frequency band to be made available, publication of related type approval arrangements, or Interface Regulations (IRs) for new band. Begin to issue licences for new band. Date X plus 12 months.
- Formal notification of cessation of type approval, or amendment to IR to require manufacturers of new equipment using the old frequency band to state that equipment entering the market will not be able to be used after date Y; formal notification of intention to close old frequency band. Formal notification of licensing arrangements. Date X plus 12 months.
- Transitional time period to allow equipment to be adapted, if appropriate, and for equipment in the market to be phased out. Therefore, new licences for use of the old frequency band will continue to be issued at the same time as licences for the new band.
- Date from which licences for equipment using the old frequency band will no longer be valid, and will not be renewed. Date Y.
- Withdrawal of type approval arrangements or IR for equipment using old frequency band. Date Y
- Request enforcement action to be taken against any users of equipment on old allocation. Date Y.

## **WORDING FOR RECOMMENDATIONS AND DECISIONS**

*(Presuming that text in the Recommendation/Decision already refers to the frequency allocation to be changed, and any alternatives to be given; and that any previous Recommendation has been amended, or Decision abrogated.*

*These measures shall come into force progressively over a period of years from the date of adoption of this Recommendation/Decision. The dates to be set will need to take account of the type of changes required, and any factors relevant to the need for the changes to be made.)*

Type approval arrangements or IRs for the new frequency bands shall be published, and licences available for issue, from date X plus 12 months

Arrangements for type approval or Interface Regulations in force for currently available frequency allocations will not be available for new equipment entering the market after Date Y and will cease to be valid for existing equipment from Date Y. . Existing licences will no longer be valid with effect from Date Y..

Administrations shall ensure that these measures are advertised publicly in order to inform manufacturers, retailers and users of these changes; and Administrations shall regularly advise ERO as to the situation in their country regarding the changes. Manufacturers should be encouraged to take all relevant steps to notify users of these changes in accordance with this, and other, legal measures.

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## **B. CHANGE OF ALLOCATION FOR LICENCE EXEMPT SPECTRUM USERS**

These cases are more difficult to manage since there are no records of the users or their location. In effect, existing equipment will probably continue in use until it dies. Therefore, as a matter of general principle it is not recommended to change frequency allocations for licence exempt spectrum. However, sometimes this is necessary and in order to take account of the special nature of these users, a longer timescale will be required for the final stages of any changeover, especially if there is a need to ensure that all previous users are no longer using the allocation. Consideration of this aspect will also need to take into account the technical requirements of equipment which is to be introduced as a new user of the "phased out" allocation, and how clean they need the allocation to be.

Since it may not be possible to ensure that all equipment is taken out of use, Administrations may need to make appropriate regulatory requirements to the effect that any use after the end date is not protected from interference.

### ***STEPS***

#### ***Actions to be taken are:***

1. Date X announce date of and proposed change, of spectrum allocation; and alert equipment manufacturers by making amendments to any standards or Interface Regulations (IR). Also publish information about the changes widely, and consult any user groups.

N.B. The time span between Dates X and Y will vary depending on e.g. the reasons for making the frequency change. However, it is suggested that the time interval might be at least five years so that users can change any equipment being used, and also to enable manufacturers to re-coup their investment. Also the regulation and possible restrictions of market access will vary depending on the technical need to make sure that no use of the previously allocated old type of equipment is made after date Y.

2. Set and publish (at all stages) timetable for change; and notify uses and manufacturers. There are many different ways in which the "notification" can be undertaken: e.g. in national frequency allocation tables, information to holders of type approval, through national regulations, on websites.

Timetable will include:

- Initial announcement of intentions. Date X.
- Formal notification of new frequency band to be made available, publication of related type approval arrangements, or Interface Regulations (IRs) for new band. Begin to permit use of new band. Date X plus 12 months.
- Formal notification of cessation of type approval, or amendment to IR to require manufacturers of new equipment using the old frequency band to state that equipment entering the market will not be able to be used after date (X + n months, but no later than date Y). Formal notification of closure of old frequency band and change to licence exemption arrangements. Date X plus 12 months.
- Transitional time to allow equipment to be adapted, if appropriate, and for equipment in the market to be phased out. Therefore licence exemptions for the old frequency band will continue at the same time as exemption is permitted for equipment in the new bands.
- Date from which exemption for equipment using the old frequencies will no longer be valid. Date Y.
- Withdrawal of type approval or IR arrangements for equipment using old frequency band. Date Y.

- In order to allow continued use of old equipment which for technical reasons it might not have been necessary to remove, setting the last date will need to include provisions to the effect that continued use of the equipment will no longer be protected from interference.

## **WORDING FOR RECOMMENDATIONS OR DECISIONS**

*(Presuming that text in the Recommendation/Decision already refers to the frequency allocation to be changed, and any alternative to be given; and that any previous Recommendation has been amended, or Decision abrogated.*

*These measures shall come into force progressively over a period of years from the date of adoption of this Recommendation /Decision.*

*The dates to be set will need to take account of the types of change required, and any factors relevant to the need for the changes being made.)*

Type approval arrangements or IRs for the new frequency bands shall be published and licence exemption made available for equipment using the new bands from Date X plus 12 months.

Arrangements for type approval or Interface Regulations in force for currently available frequency allocations will not be available for new equipment entering the market after Date X plus n months; and will cease to be valid for existing equipment from Date Y.

Existing licence exemption will not apply to any equipment still in use after Date Y or users will no longer be protected from interference - although it should be noted that frequency allocations for licence exempt equipment are often made on a secondary -or less - basis, and consequently users may not be protected from interference. [N.B. This may vary depending on the technical necessity to clean the band for the new users. ]

Administrations shall ensure that these measures are advertised publicly in order to inform manufacturers, retailers and users of these changes; and shall notify ERO regularly as to the situation in their country regarding the changes. Manufacturers should be encouraged to take all relevant steps to notify users of the changes in accordance with this, and other, legal measures.