

# EUROPEAN RADIOCOMMUNICATIONS COMMITTEE

ERC Decision  
of 19 October 2000  
on the licensing and global circulation and use of  
IMT-2000 terrestrial and satellite mobile terminals

(ERC/DEC/(00)06)





## EXPLANATORY MEMORANDUM

### 1 INTRODUCTION

There is a growing interest in the introduction of IMT-2000 services within Europe. UMTS is part of the IMT-2000 family, which is identified as the third generation of mobile communications. The radio interfaces of the IMT-2000 family members, terrestrial and satellite components, are specified in ITU Recommendation ITU-R M.1457, "Detailed Specifications of the Radio Interfaces of IMT-2000"

The CEPT ERC has been in the forefront in addressing the matter with the adoption of the ERC Decision ERC/DEC/(97)07 on the identification of frequency bands for UMTS. Other European fora also continue to play a key part in the discussions. The introduction of IMT-2000 within Europe has been addressed by the UMTS Forum and ETSI SMG who have stated that roll out of the IMT-2000 networks begin by about the year 2002.

The European Commission has also played an active part in promoting IMT-2000. The responses to the consultation conducted by the European Commission indicated the desire of Member States to authorise IMT-2000. Following this consultation the European Parliament and the Council adopted Decision No 128/1999/EC on the co-ordinated introduction of a third-generation mobile and wireless communications system (UMTS) in the Community.

### 2 BACKGROUND

A number of CEPT administrations are currently taking steps to authorise IMT-2000 within the time scale identified above. With the leading role played by the ERC, it is proposed that ERC should also adopt further measures to facilitate the introduction of IMT-2000 within the CEPT countries. This Decision is based on similar Decisions adopted by the ERC in regard to free circulation of radio terminals.

According to the Directive 1999/5/EC<sup>1</sup>, EU Member States shall allow the putting into service of radio terminals for their intended purpose where they comply with the appropriate essential requirements identified in Article 3 of the Directive and the other relevant provisions of that Directive. Notwithstanding this and without prejudice to conditions attached to authorisations for the provision of the service concerned in conformity with Community law, Member States may restrict the putting into service of radio equipment only for reasons related to the effective and appropriate use of the radio spectrum, so as to avoid harmful interference or matters relating to public health. It seems clear that the IMT-2000 terminal equipment will, with some possible exceptions, fulfil the criteria of the R&TTE Directive and shall be entitled to be put into service and to be circulated and used freely within the European Economic Area (EEA), comprising the European Union and some other European countries.

The current regulatory situation in CEPT as a whole is rather fragmented. The legislations of the non-EEA countries of CEPT are not harmonised and may contain a variety of national requirements related to the global circulation, use and licensing of radio equipment. For these countries the harmonised method of implementing global circulation and use of radio terminals is through an ERC Decision.

The CEPT has been successful in harmonising partially the national regimes on the terminals through CEPT Decisions (e.g. GSM, S-PCS and a number of other terminals)<sup>2</sup>. Experience has been gained within the CEPT from the implementation of global circulation of terminals belonging to these services and in a world-wide scale from the implementation of GMPCS MoU.

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<sup>1</sup> Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity.

<sup>2</sup> E.g. Decisions ERC/DEC(95)01, ERC/DEC(97)05, ERC/DEC(97)11, ERC/DEC(98)01, ERC/DEC(98)02, ERC/DEC(98)03, ERC/DEC(98)04, ERC/DEC(98)24, ERC/DEC(98)27, ERC/DEC(99)03, ERC/DEC(99)05

The following aspects may limit or impede the global circulation of IMT-2000 terminals:

1. The conformity assessment and marking of terminals that are to be put into market in CEPT countries that are not parties of the EEA may not be in accordance with the EU rules and therefore the users of the terminals may enter into difficulty when crossing borders.
2. The same difficulty may relate to terminals that are carried by non-European visitors.
3. The 'self co-ordinating applications' are able to operate outside a public IMT-2000 network. Unless the frequencies for the base stations of these applications are fully harmonised, the circulation and use of these applications may cause interference because the terminals are not controlled by an authorised network.
4. It is expected that most part of IMT-2000 terminals will be dual-mode or multi-mode terminals. Administrations should be aware that multi-mode terminals may exist with both IMT-2000 and non-IMT-2000 components. The non-IMT-2000-mode of a multi-mode terminal can cause interference if the frequency use of the fellow-mode equipment is not in harmony with frequency allocations of the visited country.

### **3 REQUIREMENT FOR AN ERC DECISION**

The intent of this Decision is:

- for the EEA countries, to identify the cases where restrictions of putting into service and circulation can be justified and to advise how to deal with these situations;
- for the non-EEA countries, to establish the regime for putting into service and allowing the global circulation.

### **4 SCOPE OF THIS DECISION**

A basic requirement of global circulation and right to use is that the terminal does not give rise to unacceptable interference in any country where it is taken. One possible means of achieving this is that the terminal does not transmit before it has received a signal from a valid network with which it can communicate (receive-before-transmit principle). However, there may be other technical means of achieving the basic requirement.

In dealing with IMT-2000 systems administrations may have to address several types of licensing requirements, e.g. for network operators, service providers and mobile terminals.

This Decision covers the global circulation, right to use and licensing of IMT-2000 mobile terminals, both terrestrial and satellite, that are in conformance with this basic requirement.

Because the scope of this Decision is limited to mobile terminals, there may be a need for separate Decision covering the licensing aspects of self provided applications, the equipment of which are not mobile terminals (e.g. home base stations).

**ERC Decision  
of 19 October 2000  
on global circulation, use and licensing of IMT-2000  
terrestrial and satellite mobile terminals**

**(ERC/DEC/(00)06)**

“The European Conference of Postal and Telecommunications Administrations,

*considering*

- a) that WARC-92 identified the bands 1885 - 2025 MHz and 2110 - 2200 for use, on a world wide basis, by administrations wishing to implement IMT-2000 (formerly known as the future public land mobile telecommunication systems - FPLMTS);
- b) that WRC-2000 further identified the bands 806 - 960 MHz, 1710 - 1885 MHz and 2500 - 2690 MHz for IMT-2000 in accordance with Resolutions 223 and 224 (WRC-2000);
- c) that ITU has approved Recommendation ITU-R M.1457, which specifies the radio interfaces of terrestrial and satellite component of IMT-2000.
- d) that WRC-2000 also identified the bands 1525 - 1544 MHz, 1545 - 1559 MHz, 1610 - 1625.5 MHz, 1626.5 - 1645.5 MHz, 1646.5 - 1660.5 MHz, 2483.5 - 2500 MHz, 2500 - 2520 MHz and 2670 - 2690 MHz for the satellite component of IMT-2000 in accordance with Resolution 225 (WRC-2000);
- e) that use of the frequencies within the bands mentioned in Considering a) has been harmonised within Europe with the CEPT ERC Decision ERC/DEC/(97)07;
- f) that it is necessary to distinguish between the right to place terminals on the market, the right to carry the terminals and the right to use them;
- g) that for the purpose of this Decision global circulation means the right to carry and use an IMT-2000 terminal originating from anywhere in the world;
- h) that this Decision deals only with the right to carry the terminals and the right to use them;
- i) that it is desirable for administrations to streamline and lighten their regulatory regimes, in order to facilitate the global circulation and use of IMT-2000 terminals within the CEPT;
- j) that UMTS-Forum has adopted a high level statement on Global Circulation of UMTS/IMT-2000 terminals;
- k) that this high level statement requests regional telecommunications organisations, such as CEPT, CITELE, APT and others, to assist their members to implement principles concerning global circulation in advance of the planned introduction date for UMTS/IMT-2000 systems;
- l) that the exemption of IMT-2000 terminals from requiring an individual licence provides for the right to carry and use an IMT-2000 terminal without any further administrative provisions;

*recognising*

- a) that this Decision shall not impede EEA member countries from fulfilling their obligations according to European Community law;
- b) that within the European Economic Area (EEA) the conformity assessment and the putting into service of IMT-2000 terminals is governed by Directive 1999/5/EC of the European Union and under this Directive Member States shall allow the putting into service of IMT-2000 terminals under certain conditions;
- c) that a number of countries outside the EEA are in the process of implementing the Directive 1999/5/EC;
- d) that Article 3 of this Directive defines the essential requirements applicable to radio and terminal equipment;
- e) that Article 7 of this Directive defines the situations where EEA Member States may restrict the putting into service of radio equipment;
- f) that the restrictions mentioned in *recognising e)* are not justifiable to IMT-2000 terminals operating in accordance with *decides 1 to 3* of this Decision without prejudice to the situation defined in *decides 4*;
- g) that administrations may require a licence for the self co-ordinating applications when these applications operate on frequencies that have not been harmonised through an ERC Decision , or when the administration in question has not implemented such a Decision;

**DECIDES**

1. that administrations shall not require individual licences for the use of IMT-2000 terminals in a public terrestrial telecommunications network or in a satellite network;
2. that administrations shall not require individual licences for the use of IMT-2000 mobile terminals operating in a self co-ordinating mode outside a public telecommunications network, when these terminals operate in a harmonised frequency band designated to this purpose by an ERC Decision;
3. that administrations shall allow the carriage and use of IMT-2000 terminals which conform to the essential requirements of Directive 1999/5/EC;
4. that this Decision does not prohibit administrations from restricting the use of multi-mode terminals containing a non-IMT-2000 mode when the non-IMT-2000 component is not of the receive-before-transmit type;
5. that this Decision shall enter into force on 1.1.2001.
6. that CEPT Member Administrations shall communicate the national measures implementing this Decision to the ERC Chairman and the ERO when the Decision is nationally implemented.”

*Note:*

*Please check the ERO web site ( [www.ero.dk](http://www.ero.dk) ) under “Documentation / Implementation” for the up to date position on the implementation of this and other ERC Decisions.*