

ELECTRONIC COMMUNICATIONS COMMITTEE

ERC Decision
of 1st December 1995
on the free circulation and use of certain radio
equipment in CEPT member countries

(ERC/DEC/(95)01)
amended 18 March 2005
amended 14 March 2008



EXPLANATORY MEMORANDUM

1 INTRODUCTION

The free circulation of radiocommunications goods and services is a prerequisite to realise a dynamic and competitive European radiocommunications market. The ECC has decided that one of its policy goals is to provide for the free circulation of radio equipment within CEPT member countries. There is also a general desire in the CEPT member countries to reduce bureaucracy and the control exercised by authorities in the form of mandatory provisions to a minimum level.

Three different levels of free circulation can be identified:

1. free circulation without permission of using the radio equipment,
2. free circulation with permission of using the radio equipment,
3. free circulation with the permission of placing the radio equipment on the market.

The level of free circulation that can be permitted is normally related to the level of harmonisation of the radio equipment: the harmonisation of the frequency arrangements, the standardisation of the radio equipment and harmonisation of licensing conditions.

This Decision deals only with the two first levels of free circulation (free circulation with and without the permission of using the radio equipment).

For the purpose of this Decision, the term “free circulation” means carriage of equipment and does not include the placing of equipment on the market.

2 BACKGROUND

During the past years the CEPT has developed several arrangements to facilitate the free circulation of radio equipment. For example, the Recommendations T/R 20-09 (PR-27 equipment) and T/R 61-01 (CEPT radio amateur licence) contain provisions for free circulation of the equipment. A common feature for these Recommendations is that each one of them relates to a specific category of radio equipment.

3 NEED FOR AN ECC DECISION

The above mentioned free circulation arrangements are based on ERC Recommendations. The Recommendations have a lower status than Decisions and administrations often tend to accommodate the arrangements of the Recommendations to their own national circumstances.

In addition to that, some of the Recommendations contain a set of options and this has caused different administrations to adopt inconsistent practices.

The experience of users has shown that the existing free circulation arrangements do not work efficiently enough and that administrations still set barriers against the free circulation of radio equipment.

The creation of a dynamic and competitive European radiocommunications market requires that the radio equipment can be transferred from one country to another with as few formalities as possible. Restrictions on free circulation and use can be accepted only when they are justifiable because of reasons of efficiency of frequency usage.

**Amended ERC Decision
of 1st December 1995, amended 18 March 2005 and 14 March 2008
on the free circulation and use of certain¹ radio equipment in CEPT member countries
(ERC/DEC/(95)01)**

“The European Conference of Postal and Telecommunications Administrations,

considering

- a) that one of the policy goals of the CEPT Electronic Communications Committee is to provide for the free circulation and use of radio equipment within the CEPT member countries,
- b) that there is an increasing mobility of users of radio equipment and an increasing need to provide for the free circulation and use of radio equipment while these users are temporarily visiting CEPT member countries,
- c) that the free circulation and use of radio amateur equipment is covered by a separate procedure,
- d) that this Decision does not cover aeronautical or maritime equipment or, with the exception of the equipment listed in Annex 2, the use of any other radio equipment on board a vessel or aircraft,
- e) that in EU/EFTA countries the radio equipment that is under the scope of this Decision shall comply with the R&TTE Directive. Conformity with the essential requirements of the R&TTE Directive may be demonstrated by compliance with the applicable harmonised European standard(s) or by using the other conformity assessment procedures set out in the R&TTE Directive;
- f) that EU/EFTA countries are not obliged to prevent temporary use of equipment which does not conform to the R&TTE Directive;

recognising

- a) that in order to prevent the use of equipment for illegal purposes, many countries have in their legislation restrictions against the possession of such equipment,
- b) that the equipment referred to in *recognising a)* are excluded from the scope of this Decision,

¹ It should be noted that other types of equipment are covered by other ECC deliverables.

DECIDES

- 1 that this Decision applies only to the free circulation and use of radio equipment by visitors in CEPT member countries and that the permission of placing radio equipment on the market is not covered by this Decision,
- 2 that whenever use of the radio equipment is permitted in visitors' home country administrations shall permit free circulation and use of radio equipment fulfilling all of the following criteria:
 - 2.1 the radio equipment operates on harmonised frequencies with the appropriate common technical parameters,
 - 2.2 no frequency planning or individual frequency assignment is needed,
3. that the radio equipment fulfilling the criteria mentioned above are listed in Annexes 1 and 2,
4. that the free circulation and use of the radio equipment mentioned in Annexes 1 and 2 shall be allowed without requiring any kind of national licence or any registration in the country visited,
5. that free circulation without permission to use the radio equipment shall be allowed for all other types of radio equipment permitted to be used on land vehicles or as portable in the visitors' home country,
6. that when free circulation without permission to use is allowed, in justified cases, administrations may take measures to prevent the use of the radio equipment,
7. that the free circulation and use of all kinds of stand-alone radio receivers shall be allowed; however, the reception of other than broadcast transmissions may be subject to national legislation,
8. that this Decision shall enter into force on 14 March 2008;
9. that the preferred date for implementation of this Decision shall be 01 August 2008;
10. 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 Office website (<http://www.ero.dk>) for the up to date position on the implementation of this and other ECC/ERC Decisions.

ANNEX 1

Free circulation and use shall be allowed in CEPT member countries for the following radio equipment:

- * GSM terminals
- * DECT terminals
- * Omnitrac terminals for the Euteltracs system
- * Inmarsat-C terminals
- * Inmarsat-M terminals
- * PR-27 mobile stations

ANNEX 2

Free circulation and use shall be allowed in CEPT member countries for the following radio equipment on board vessels:

- * GSM terminals

Free circulation and use shall be allowed in CEPT member countries for the following radio equipment on board aircraft:

- * GSM terminals²

² The use of GSM terminals on board aircraft is covered by this Decision only when the GSM pico cell system on board an aircraft is permitted to be switched on.