

EUROPEAN RADIOCOMMUNICATIONS COMMITTEE

ERC Decision
of 12 March 2001
on Exemption from Individual Licensing
of Thuraya mobile user terminals

(ERC/DEC/(01)25)



EXPLANATORY MEMORANDUM

1 INTRODUCTION

Licensing is an appropriate tool for Administrations to regulate the effective use of the frequency spectrum and to avoid harmful interference. However intervention from the Administrations as far as the installation and use of equipment is concerned needs to be proportionate. 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.

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 provision of Pan European wide services will be greatly assisted when all CEPT Administrations would exempt the same categories of radio equipment from licensing and apply -to achieve that- the same criteria to decide on this.

When radio equipment is subject to an exemption from individual licensing, anyone can have installed 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.

The mobile communication services offered by the geostationary satellite network Thuraya utilising service links in the 1.5/1.6 GHz frequency range in conjunction with the mobile user terminals of this network comprise voice, fax/data (up to 9.6 kbps) and short message services.

3 REQUIREMENT FOR AN ERC DECISION

ERC/REC 01-07 that was adopted in 1995 and amended in 2000 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 Thuraya mobile user terminals from individual licensing because they fulfil the criteria for exemption listed in ERC/REC 01-07.

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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 the band 1660-1660.5 MHz is allocated to the mobile satellite service (Earth-to-space) and to the radio astronomy service on a primary basis whereas No. S5.376A of the Radio Regulations specifies that mobile earth stations in the band 1660-1660.5 MHz shall not cause harmful interference to stations of the radio astronomy service;
- e) that there is considerable difference in national licensing, laws and regulations and that harmonisation therefore can only be introduced gradually;
- f) that national licensing regimes should be as simple as possible, in order to minimise the burden upon the Administrations and users of equipment;
- g) 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;
- h) that Administrations should work towards the exemption of relevant radio equipment from individual licensing based on harmonised criteria detailed in ERC/REC 01-07;
- i) that this Decision shall not impede EEA member countries from fulfilling their obligations according to Community law;
- j) that Thuraya mobile user terminals offering data and voice telephony services operate in the frequency bands 1525-1559 MHz (space-to-Earth) and 1626.5-1660.5 MHz (Earth-to-space) under the control of the satellite system and that with regards to the bands 1544-1545 MHz and 1645.5-1646.5 MHz the footnotes S5.356 and S5.375 of the Radio Regulations apply. ;
- k) that Thuraya mobile user terminals complying with EN 301 681 fulfil the criteria for exemption listed in ERC/REC 01-07;

DECIDES

1. to exempt Thuraya mobile user terminals that fulfil considering j) and k) from individual licensing;
2. that this Decision shall enter into force on 12 March 2001 at the latest;
3. that CEPT 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) for the up to date position on the implementation of this and other ERC Decisions.