



CEPT/ECTRA

ECTRA/DEC(99)02 - E
Call for commitment

CEPT - European Conference of Postal and Telecommunications Administrations
ECTRA - European Committee for Telecommunications Regulatory Affairs
ETO - European Telecommunications Office

CEPT / ECTRA Decision of 3 March 1999

**on Harmonisation of authorisation conditions in the field of Satellite
Personal Communications Services (S-PCS) in Europe, operating in the
bands below 1 GHz (S-PCS < 1 GHz)**

(ECTRA/DEC(99)02)

CALL FOR COMMITMENT
26.03.1999



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As Chairman of the European Committee for Telecommunications Regulatory Affairs (ECTRA), I hereby confirm that this decision was approved in Madrid on 3 March 1999 at the XXVIIIth ECTRA Plenary Meeting and that during the two months following the adoption of the decision I have received commitments in writing from the following CEPT member countries to implement the terms of this decision:

[Country A
Country B
Country C
Country D
Country E
etc.

to be completed after written confirmation to be given by CEPT Members within two months of the adoption of the decision, that means until 03.05.1999

Frédéric Riehl
ECTRA Chairman
26.03.1999

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The European Conference of Postal and Telecommunications
Administrations,

CONSIDERING

- 1) that S-PCS <1 GHz systems will provide either global or regional coverage,
- 2) that a co-ordinated procedure for authorisations, as well as harmonised conditions for authorisations, will benefit users, satellite network operators, service providers, manufacturers and administrations,
- 3) that the European Parliament and Council Decision 710/97/EC on a co-ordinated authorisation approach in the field of S-PCS in the European Union (EU) has been adopted,

- 4) that the granting of authorisations is the sovereign right of states, i.e. the responsibility of National Regulatory Authorities (NRAs), and that NRAs may require individual licenses for such authorisations,

TAKING INTO ACCOUNT

- 1) the time schedule laid down in the EC Decision, see Considering 3, for the implementation of S-PCS,
- 2) that ERC has adopted Decision ERC/DEC/(99)06 concerning the harmonized introduction of S-PCS in frequency bands below 1 GHz,
- 3) that, within the EEA, Directive 97/13/EC on a common framework for general authorisations and individual licenses in the field of telecommunications services, as well as Directive 98/13/EC relating to telecommunications terminal equipment and satellite earth stations equipment including the mutual recognition of their conformity have been adopted.

DECIDES

- 1) that for the purpose of this Decision "S-PCS < 1 GHz system" is defined as in "Decides 1" of ERC/DEC/(99)06 and shall mean non-voice non-geostationary MSS system operating in the bands below 1 GHz, subject to the conditions specified in the Radio Regulations,
- 2) that this Decision shall not prejudice the obligation of the EEA member states to act in accordance with applicable Community law or CEPT members to act in accordance with their national legislation,
- 3) that in this Decision, the term authorisation shall cover any legal or administrative measures regarding telecommunications networks or services or terminals for S-PCS < 1 GHz,
- 4) that the granting of authorisations, if required by individual CEPT Members, shall be assessed and decided upon, in a co-ordinated way, in accordance with the process towards authorisation for S-PCS < 1 GHz illustrated in Annex 1,
- 5) that the conditions that may be attached to the authorisations referred to in Decides 3 above shall be in accordance with Directive 97/13/EC,
- 6) that ECTRA and ERC will, in order to assist NRAs in applying procedures described in Annex 1, use the General Milestone Review Committee (GMRC), primarily to examine whether the milestone criteria, as defined in Annex 2, are met by the applicants, and the requirements of *decides* 5b and 5c of ERC/DEC/(99)06 have been approved by ERC,
- 7) that in granting the authorisations referred to in Decides 2 above, NRAs shall take into consideration the recommendations made by the GMRC,

- 8) that necessary measures of a legal or administrative nature, for offering authorizations, should be implemented within a time schedule compatible with the technical and commercial needs of S-PCS < 1 GHz which are listed in Annex 2 of ERC/DEC/(99)06,
- 9) that the authorisation shall be granted within the time schedule compatible with the technical and commercial need of S-PCS under consideration,
- 10) that ECTRA will review this Decision at least every two years, if necessary, taking into consideration modification of companion Decisions,
- 11) that this Decision shall enter into force on 1 May 1999,
- 12) that CEPT Member Administrations shall communicate the national measures implementing this Decision to the ECTRA Chairman and the ETO when the Decision is nationally implemented.
- 13) that CEPT Member Administrations shall communicate the national measures implementing this Decision to the ECTRA Chairman and the ETO when the Decision is nationally implemented.

ANNEX 1

Process towards authorisation for S-PCS < 1 GHz

It is expected that the authorisation may be initiated in the following way:

An entity (later referred to as an «Applicant»), acting within the national law of an administration, seeking authorisation within that administration or a number of administrations, submits an application to the administration.

The consideration of authorisation of S-PCS < 1 GHz by an administration should take the following approach:

- 1) To initiate the process, as stated above, the Applicant will submit an application to an administration. The application should include two parts:
 - a) information about the applicant and its project including where appropriate, information showing that the applicant has been duly authorised by the relevant satellite operator, whose system is being monitored against the milestone process described in Annex 2 and including the following items:
 - The reference to the ITU Weekly Circular Special Section for the «Advance Publication of Information" of the S-PCS system,
 - an undertaking to comply with the milestones procedure,
 - a plan describing how the applicant intends to fulfill milestones'
 - b) specific national parts including national requirements.
- 2) The administration will then examine the application to ensure that it complies with the national law and the requirements placed on the applicant by this Decision as well as ERC/DEC/(99)06. An application failing to meet requirements of the national law, of this Decision or of ERC/DEC/(99)06, if implemented, should be rejected by the administration.

An explanation of the rejection should be returned to the applicant.
- 3) The administration will then forward the elements of the application which it judges relevant, to the MRC, if the application is relevant with respect to Decides 3.
- 4) GMRC will re-examine the application to ensure that it complies with the requirements placed on the applicant by this Decision as well as ERC/DEC/(99)06. If the GMRC considers that the application fails to comply then it will advise all administrations of this by providing a complete explanation.

The administration which submitted the application may offer comments on the GMRC findings and if necessary re-submit the application.

- 5) The applications considered successful at the stage 4) above will be further considered by GMRC for the compliance with the milestones. The GMRC will make further recommendations, as necessary, to the administrations on the achievement, or likely achievement, of the individual milestones. It is expected that these recommendations would assist administrations in examining the application submitted for authorisation and granting authorisation where necessary.
- 6) The administration will, as necessary and if appropriate, assess whether to grant an authorisation taking into account the recommendations of the GMRC.

In general, the authorisation may be offered at any stage in the process.

- 7) The administration may reconsider existing authorisations on the basis of failure to meet the milestone requirements, thereby taking into account the view of the GMRC.
- 8) When an applicant completes all the milestones, the GMRC will notify the administration and, if necessary, the administration will confirm any authorisations.
- 9) In cases where individual licenses are required, the administration which has submitted the application to GMRC shall inform applicants of their decision no later than 4 months after receiving the application.

ANNEX 2

**Milestones for the introduction of S-PCS below 1 GHz
(as in Annex 3 of ERC/DEC/(99)06)**

The milestones to be applied are listed below.

A satellite network operator may be represented by different service providers in different countries.

MILESTONES

1. Submission of ITU Advance Publication and Co-ordination Documents

The satellite network operator should provide clear evidence that the administration responsible for an S-PCS<1GHz system has submitted ITU RR Appendix 4 'Advance Publication Information to Be Furnished for a Satellite Network' and ITU RR Appendix S4 'Notices Relating to Space Radiocommunications and Radio Astronomy Stations'.

2. Satellite manufacturing

The satellite network operator should provide clear evidence of a binding agreement for the manufacture of its satellites. The document should identify the construction milestones leading to the completion of manufacture of satellites required for the commercial service provision. The document should be signed by the satellite network operator and the satellite manufacturing company and should be available for inspection by the competent CEPT body. If they are the same, a commitment should also be provided by the satellite network operator.

3. Completion of the Critical Design Review

The Critical Design Review is the stage in the spacecraft implementation process at which the design and development phase ends and the manufacturing phase starts.

The satellite network operator should provide clear evidence of the completion of the Critical Design Review in accordance with the construction milestones indicated in the satellite manufacturing. The declaration, signed by the satellite manufacturing company and indicating the date of the completion of the Critical Design Review, should be available for inspection by the competent CEPT body.

4. Satellite launch agreement

The satellite network operator should provide clear evidence of a binding agreement to launch the minimum number of satellites required to provide service within the CEPT. The document should identify the launch dates and launch services and the indemnity contract. The document should be signed by the satellite network operator and the satellite launching companies and should be available for inspection by the competent CEPT body.

5. Gateway earth stations

The satellite network operator should provide clear evidence of a binding agreement for the construction and installation of gateway Earth stations that will be used to provide commercial service. This document should be available for inspection by the competent CEPT body.

6. Launch of satellites

- a) The satellite network operator should make available for inspection by the competent CEPT body documents confirming the first successful satellite launch and in-orbit deployment.
- b) The satellite network operator should also provide periodic evidence of subsequent launches and successful in-orbit deployment of satellites in the constellation.

Provision of documentation relating to (a) shall constitute compliance with this milestone.

7. Frequency coordination

The satellite network operator should submit to the competent CEPT body documents relating to the successful frequency coordination of the system pursuant to the relevant provisions of the Radio Regulations. However, a system which demonstrates compliance with milestones 1 to 6 inclusive is not obliged to demonstrate at this stage completion of successful frequency coordination with those S-PCS<1GHz systems which fail to comply adequately and reasonably with milestones 1 to 6 inclusive.

8. Provision of satellite service within CEPT

The satellite network operator shall notify the competent CEPT body that it has launched, and has available for the provision of service, the number of satellites it previously identified under milestone 4 as necessary to provide commercial service, and that it shall be providing commercial service within the CEPT on the basis of the operational constraints relevant to that system in Annex 2.