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**ECTRA/REC(00)04 - E**

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

**CEPT / ECTRA Recommendation of 19 October 2000**

**on the introduction of a reduced number of authorisation conditions for  
S-PCS and guidelines for CEPT Administrations**

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As Chairman of the European Committee for Telecommunications Regulatory Affairs (ECTRA), I hereby confirm that this recommendation was approved in Lisbon on 18 October 2000 at the Joint ECTRA/ERC Plenary Meeting.

Knut Smaaland  
ECTRA Chairman

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**on the introduction of a reduced number of authorisation conditions for  
S-PCS and guidelines for CEPT Administrations**

**(ECTRA/REC(00)04)**

ECTRA RECOMMENDATION OF 19 OCTOBER 2000 CONCERNING  
THE INTRODUCTION OF A REDUCED NUMBER OF  
AUTHORISATION CONDITIONS FOR S-PCS AND GUIDELINES FOR  
CEPT ADMINISTRATIONS

**INTRODUCTION**

Decision No 710/97/EC of the European Parliament and of the Council of 24 March 1997 on a co-ordinated authorisation approach in the field of satellite personal communication services in the Community (“the S-PCS Decision”) established a new framework for the co-ordinated introduction of S-PCS. The Decision which has been extended until 31 December 2003 introduced a co-operation mechanism between the EU and the CEPT whereby the European Commission, in consultation with EU Member States, asked the CEPT by way of mandates to take measures necessary for the co-ordinated introduction of these services.

In the context of this Recommendation S-PCS is a broad term which embraces all the systems and services which come within the ITU definition of Global Mobile Personal Communication by Satellite (GMPCS).

Several ERC and ECTRA Decisions have been adopted in response to these mandates relating to the harmonised use of frequencies, free circulation and use of terminals, and the harmonisation of licensing conditions and procedures. Not all elements of the envisaged measures have been implemented yet. A one-stop-shopping procedure which is planned for July 2000 aims to speed up and simplify the process of obtaining licences when such licences are required in more than one country in the CEPT. The OSS database reflects the extent to which licensing conditions and procedures vary between CEPT countries and illustrates some scope for further harmonisation initiatives. One such initiative has been developed. In December 1999 ERC and ECTRA approved an interim report which had annexed to it a matrix containing a subset of conditions and guidelines for Administrations.

Note:

This ECTRA Recommendation is one of a ‘family’ of Decisions and Recommendations regarding the introduction and use of S-PCS systems. This Recommendation and the companion ERC Recommendation should be reviewed at least every two years by the CEPT with a view to making adjustments, as necessary.

In the context of this Recommendation S-PCS is a broad term which embraces all the systems and services which come within the ITU definition of Global Mobile Personal Communication by Satellite (GMPCS).

### ***The European Conference of Postal and Telecommunications Administrations***

#### **Recognising:**

- a) that the granting of authorisations is a sovereign matter within the responsibility of National Regulatory Authorities (NRAs);
- b) that Directive 97/13/EC has established a common framework for general authorisations and individual licences in the field of telecommunications services (*hereinafter* the Licensing Directive) in the EEA;
- c) that, when granting authorisations, EEA Member States may only impose conditions from among those annexed explicitly in the Licensing Directive;
- d) that any condition attached should be objectively justified and based on the principles of non-discrimination, transparency and proportionality;

- e) that the Decision 710/97/EC on a common authorisation approach in the field of S-PCS in the European Union has been extended until the end of 2003;
- f) that the European Commission has initiated the 1999 Communications Review and Orientations for a new Regulatory Framework (*hereinafter* the 1999 Review), and has prepared for a directive concerning the authorisation of electronic communications networks and services, which may supersede the Licensing Directive.

**Considering:**

- a) that the satellite telecommunications industry and users in Europe will benefit greatly from a more harmonised approach to authorising satellite systems and services and maximum spectrum efficiency;
- b) that obtaining authorisations throughout the CEPT should be made as fair, timely, transparent and straight-forward as possible;
- c) that some of the conditions referenced in the Licensing Directive are not applicable to satellite systems and services;
- d) that it is desirable for NRAs to have a common understanding about the meaning of each of the licensing conditions.

**Taking into account:**

- a) that the ERC and ECTRA have adopted a series of measures, providing for the introduction of S-PCS in the CEPT;
- b) that the authorisation conditions annexed to this Recommendation are a sub-set of conditions drawn from the Licensing Directive;
- c) that other national measures may apply in order to satisfy requirements for e.g. legal interception;
- d) that the guidelines annexed to this recommendation are designed to promote a common understanding amongst Administrations of the meaning of each of the conditions;
- e) that the ERC and ECTRA may need to review these authorisation conditions and guidelines in 2001 in light of the proposed new directives stemming from the 1999 Review.

**Recommends:**

That when granting authorisations to S-PCS, irrespective of the spectrum or orbit used, CEPT Administrations should:

- 1) only impose conditions which are included in the attached sub-set;
- 2) attach only the minimum number of licence conditions necessary in any given case;
- 3) refer to the attached guidance notes relating to each of the conditions.

ANNEX

The following table, in column one, sets forth the maximum list of conditions that should apply to S-PCS authorisations. Column two sets forth guidelines for interpreting those conditions. Administrations should select the appropriate conditions set forth below when issuing S-PCS authorisations.

This list of conditions shall be without prejudice to any other legal conditions which are not specific to the telecommunications sector; and measures taken by administrations in accordance with public interest requirements, specifically in relation to public morality, public security including investigation of criminal activities and public policy.

<p><b><i>Conditions which may be attached to authorisations. (Derived in modified form from the EU Licensing Directive (97/13/EC))</i></b></p>	<p><b>GUIDANCE NOTES</b></p>
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<p>1. Conditions which may be attached to all authorisations, where justified and subject to the principle of proportionality:</p>	<p>Proportionality is a European Union principle which has value in as much as any condition which is imposed should not be more burdensome than is necessary to achieve the objectives.</p>
<p>1.1 Conditions intended to ensure compliance with relevant essential requirements which for clarity are listed below:</p> <p>Security of network operations.</p> <p>Maintenance of network integrity.</p> <p>Interoperability of services</p>	<p>Measures necessary in order to ensure the security of information transmitted over the network.</p> <p>Measures necessary in order to ensure that all elements of the network meet the appropriate standards.</p> <p>Where satellite service providers need to</p>

<p>(where justified).</p> <p>Data protection (where justified).</p> <p>Protection of environment (where justified).</p> <p>Town and country planning (where justified).</p> <p>Effective use of frequency spectrum and avoidance of harmful interference.</p>	<p>interconnect with public networks they must comply with the appropriate international standards. However interoperability of services does not mean interoperability of systems.</p> <p>Refers to the need to comply with the appropriate Community or National rules.</p> <p>Refers to the need to comply with relevant applicable National rules.</p> <p>Refers to the need to comply with relevant National or local rules. Site sharing is not considered to be an appropriate licensing condition for satellite services except possibly in very limited circumstances.</p> <p>Effective use of frequency spectrum and the avoidance of harmful interference normally implies that the satellite licensees operate within the frequency bands allocated by the ITU and assigned on a National basis or European basis and also comply with the appropriate technical standards from e.g. ETSI.</p>
<p>1.2 Conditions linked to the provision of information reasonably required for the verification of compliance with applicable conditions and for statistical purposes.</p>	<p>This allows the NRAs the opportunity to verify compliance both before and after issuing licences.</p>
<p>1.3 Conditions relating to the effective and efficient use of the numbering capacity.</p>	<p>However it is only applicable when NRAs assign numbers under national numbering plans.</p>

<p>2. Specific conditions which may be attached to general authorisations for the provision of publicly available telecommunications services and of public telecommunications networks that are required for the provision of such services, where justified and subject to the principle of proportionality:</p>	<p>This is a <i>chapeau</i> to all sub-conditions of Condition 2.</p>
<p>2.1 Conditions relating to the protection of users and subscribers particularly in relation to:</p> <p>the prior approval by the national regulatory authority of the standard subscriber contract;</p> <p>the provision of detailed and accurate billing;</p> <p>the provision of a procedure for the settlement of disputes;</p> <p>publication and adequate notice of any change in access conditions, including tariffs, quality and the availability of services;</p>	<p>These conditions are usually encompassed within National consumer protection law and therefore it is not envisaged that NRAs would wish to impose conditions through the licensing of satellite services.</p>
<p>2.2 Communication of customer database information necessary for the provision of universal directory information if relevant and applicable.</p>	<p>In order to develop and maintain databases for the provision of customer directory information to the regulator where necessary.</p>
<p>2.3 Forwarding of emergency calls to national emergency centres where</p>	<p>Not relevant for certain types of service provision ie data transfer.</p>

<p>the licensee provides services to the public switched network and taking into account the characteristics of satellite networks.</p>	
<p>2.4 Special arrangements for disabled people.</p>	<p>Given that satellite operators cater for a niche market, the imposition of conditions such as this may not be appropriate.</p>
<p>2.5 Conditions relating to the interconnection of networks.</p>	<p>Where satellite service providers need to interconnect with public networks, the satellite operator must comply with the appropriate international standards.</p>

<p>3. Specific conditions which may be attached to individual licenses, where justified and subject to the principle of proportionality.</p>	<p>This is a chapeau to all sub-conditions of Condition 3.</p>
<p>3.1 Maximum duration, which shall not be unreasonably short.</p>	<p>On the one hand the duration needs to be long enough to give the licensee the opportunity for a reasonable return on its capital investment, but on the other hand, NRAs can not be tied to granting authorisations for an indefinite period.</p>
<p>3.2 Conditions concerning ownership in compliance with international commitments and National rules.</p>	<p>This refers to foreign ownership conditions. While it will be desirable to aim for a managed reduction in such conditions in Europe and globally, it would be preferable to have no such ownership restrictions.</p>
<p>3.3 Requirements relating to the quality, availability and permanence of a service or network, including the financial, managerial and technical competence of the applicant and conditions setting a minimum period of operation.</p>	<p>NRAs may wish to impose conditions which seek to guarantee minimum standards relating to quality and continuity of service but these should not be unnecessarily imposed in the case of satellite licensees given their sunk investment and the nature of their services and market.</p>
<p>3.4 Financial contributions towards the provision of universal service.</p>	<p>Not normally relevant to satellite licensees which serve niche markets which are not comparable to markets served by public telecommunication network operators.</p>