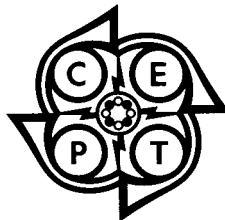


ELECTRONIC COMMUNICATIONS COMMITTEE

ECC Decision
of 21 December 2007
on exemption from individual licensing
of land mobile satellite terminals operating
in the Mobile-Satellite Service allocations
in the frequency range 1-3 GHz

(ECC/DEC/(07)05)
(2007/98/EC)



EXPLANATORY MEMORANDUM

1 INTRODUCTION

The formulation of this Decision is aimed to make it possible for administrations to use it as the sole Decision for the exemption from individual licensing in these bands, as fits the national regime.

Previous Decisions on exemption from individual licences have been for a specific type(s) of terminal operating within a particular system. The present Decision is generic, in that, it applies in a general way to terminals and associated services, which operate in the specified harmonised frequency bands and shall apply both to existing and new categories of terminals.

This Decision is a generic replacement for the previous ERC/ECC Decisions listed in Annex 1.

2 BACKGROUND

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 should be exempted from individual licensing. In EEA, Directives 1999/5/EC (the R&TTE Directive) and Directive 2002/20/EC (the Authorisation 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 and protection of public health.

The free circulation and use of radio equipment and the provision of Pan European services will be greatly assisted when all CEPT administrations exempt the same categories of radio equipment from individual licensing and apply the same criteria.

When radio equipment is subject to an exemption from individual licensing, anyone can buy, install, possess and use the radio equipment without any prior individual permission from the administration.. The use of the equipment can be subject to general provisions or general licence conditions.

3 REQUIREMENT FOR AN ECC DECISION

The aim of this Decision is to exempt from individual licensing land mobile satellite terminals operating in the bands listed in Annex 2. ITU World Radiocommunication Conferences may at times add or change allocations and, subject to ECC approval, these changes may be reflected by amendment to the frequency bands listed in Annex 2, together with any associated conditions of use.

4 RELATIONSHIP AND STATUS WITH RESPECT TO PREVIOUS ERC/ECC DECISIONS

Some administrations may have implemented and referenced ERC/ECC Decisions in national legislation. It is preferable therefore that the Decisions in Annex 1 remain in force for a limited period of time until final abrogation. It is proposed that concerned administrations shall make the necessary adaptations in their legal frameworks arising from the abrogation of relevant previous ERC/ECC Decisions (as listed in Annex 1).

It is specifically noted that an administration's position regarding implementation of this Decision shall be without prejudice to that administration's previous position with respect to the implementation of any or all past Decisions on exemption from individual licences covering the same harmonised frequency bands.

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Comparable technical specifications to those given in this ECC Decision are given in Commission Decision 2007/98/EC of 14 February 2007. EU/EFTA Member States and, if so approved by the EEA Joint Committee, Iceland, Liechtenstein and Norway are obliged to implement the EC Decision.

“The European Conference of Postal and Telecommunications Administrations,

considering

- a) that national licensing regimes should be as simple as possible, in order to minimise the burden upon the administrations and users of equipment;
- b) 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;
- c) that some CEPT countries may not be able to implement this decision easily without change to national regulation and that a delay in adoption of this Decision and the withdrawal of existing Decisions will allow time for this change to be enacted;
- d) that these terminals comply with relevant European and international standards;
- 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.

DECIDES

1. to exempt from individual licensing, land mobile satellite terminals operating under the control of an authorised satellite system, within the frequency bands listed in Annex 2;
2. that this Decision replaces Decisions listed in Annex 1 which shall be withdrawn on 21 December 2010 in order to allow administrations to make necessary adaptations in their legal frameworks, as required;
3. that this Decision shall enter into force on 21 December 2007;
4. that the preferred date for implementation of this Decision shall be 21 December 2008;
5. 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 web site (<http://www.ero.dk>) for the up to date position on the implementation of this and other ERC/ECC Decisions.

Annex 1**Existing ERC/ECC Decisions withdrawn as a result of this Decision**

<i>ERC/ECC Decision</i>	<i>Title</i>
<i>ERC(97)05</i>	Free circulation, use and licensing of S-PCS in 1610-1626.5 MHz, 2483.5-2500 MHz, 1980-2010 MHz and 2170-2200 MHz
<i>ERC(98)12</i>	Licensing of Inmarsat-D terminals for land mobile applications
<i>ERC(98)13</i>	Licensing of Inmarsat-C terminals for land mobile applications
<i>ERC(98)14</i>	Licensing of Inmarsat-M terminals for land mobile applications
<i>ERC(98)19</i>	Licensing of EMS-MSSAT terminals for land mobile applications
<i>ERC(98)29</i>	Licensing of Inmarsat-phone (Mini-M) terminals
<i>ERC(99)18</i>	Licensing of Inmarsat-B terminals for land mobile applications
<i>ERC(99)20</i>	Licensing of Inmarsat-M4 terminals for land mobile applications
<i>ERC(01)22</i>	License exemption of Space Checker terminals
<i>ERC(01)25</i>	License exemption of Thuraya terminals
<i>ECC(02)11</i>	License exemption of Satellite User Terminals 1525-1559 MHz space-to-Earth and 1626.5-1660.5 MHz Earth-to-space

Annex 2**Frequency bands covered by this Decision**

Frequency band	Direction of transmission
1518 - 1525 MHz	space-to-Earth
1525 – 1544 MHz	space-to-Earth
1545-1559 MHz	space-to-Earth
1610 - 1626.5 MHz	Earth-to-space
1613.8 – 1626.5 MHz	space-to-Earth (secondary)
1626.5 - 1645.5 MHz	Earth-to-space
1646.5 - 1660.5 MHz	Earth-to-space
1670 – 1675 MHz	Earth-to-space
1980 – 2010 MHz	Earth-to-space
2170 – 2200 MHz	space-to-Earth
2483.5-2500 MHz	space-to-Earth