

ELECTRONIC COMMUNICATIONS COMMITTEE

ECC Decision
of 30 October 2009

on exemption from individual licensing and the free
circulation and use of transmit-only mobile satellite
terminals operating in the Mobile-Satellite Service
allocations in the 1613.8 - 1626.5 MHz band

(ECC/DEC/(09)04)



EXPLANATORY MEMORANDUM

1 INTRODUCTION

It is a general aim of the Electronic Communications Committee (ECC) to facilitate free circulation and use of radio equipment. 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.

There are three levels of free circulation of radio equipment in CEPT countries, which are identified as follows:

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

ERC Recommendation 01-07 suggests 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 should be exempted from individual licensing. In the EEA, Directive 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.

In EEA/EFTA countries radio equipment that may be used without further restrictions is classified as “Class 1” in accordance with Decision 2000/299/EC (classification of radio equipment and telecommunications terminal equipment) of the European Commission and the R&TTE Directive.

The creation of a dynamic and competitive European radiocommunications market requires that 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 spectrum usage.

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.

This Decision follows the principle already established within the CEPT for the exemption from individual licensing and the free circulation and use of mobile satellite terminals operating in the frequency bands harmonised for use by systems of the mobile satellite service.

3 REQUIREMENT FOR AN ECC DECISION

Because of the different operating configuration of non-voice transmit-only Mobile Earth Stations (MES) compared to 2-way voice and data MES, they are not covered in ECC Decisions (07)04 and (07)05 on exemption from individual licensing and free circulation and use. This Decision is therefore intended to provide a basis for administrations to facilitate the exemption from individual licensing and the free circulation and use within the specified frequency band, for such transmit-only MES, as fits the national regime.

The aim of this Decision is to exempt from individual licensing transmit-only MES, operating in the 1613.8-1626.5 MHz band, and to facilitate the free circulation and use of these terminals. The 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 allocated frequency band for these transmit-only MES together with any associated conditions of use.

A separate Decision is necessary for transmit-only MES because of the different approach taken for the control of these devices compared to the transmit/receive MES covered by ECC Decisions (07)04 and (07)05.

Transmit-only MES are equipments designed to operate in the absence of any real time control from the satellite network control function. The control of such transmit-only MES by the satellite network operator, must ensure at least the same level of protection against interference to other services as for ECC Decisions (07)04 and (07)05, which must be achieved through appropriate design features, manufacturing processes and operational procedures

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

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 ERC/ECC Decisions on exemption from individual licensing and free circulation and use covering the same harmonised frequency band.

**ECC Decision
of 30 October 2009**

on exemption from individual licensing and the free circulation and use of transmit-only mobile satellite terminals operating in the Mobile-Satellite Service allocations in the 1613.8-1626.5 MHz band

(ECC/DEC/(09)04)

“The European Conference of Postal and Telecommunications Administrations,

considering

- a) that national licensing regimes should 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 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;
- d) that innovation in the market for MSS products and applications is occurring at an increasingly rapid rate;
- e) that there is an increasing mobility of MSS users and therefore there is an increasing need to provide for free circulation and use of radio equipment in CEPT member countries;
- f) that for MES installed permanently on maritime vessels or aircraft, licensing or notification, if applicable, takes place in the country of registration;
- g) that it can be ensured through design features, manufacturing processes and operational procedures that the probability of interference from transmit-only MES into other authorised radio systems can be reduced to acceptable levels;
- h) that the selection of the frequencies used by transmit-only MESs is made by the satellite network operator through the design of the MES and must be in accordance with the frequency allocations of the ITU Radio Regulations, the requirements of national administrations and the co-ordination agreements with other satellite systems, which are agreed between administrations;
- i) that ECC Decision (09)02 harmonises the frequency bands 1610-1626.5 MHz (Earth-to-space) and 1613.8-1626.5 MHz (space-to-Earth) for use by systems of the mobile-satellite service;
- j) that Radio Regulation No. 5.372 requires that harmful interference shall not be caused to stations of the radio astronomy service using the band 1610.6-1613.8 MHz by stations of the mobile-satellite service in the bands 1610-1626.5 MHz;
- k) that Radio Regulation No. 5.364 imposes some limitations on the use of the band 1 610-1 626.5 MHz by the mobile-satellite service (Earth-to-space) with regard to protection of other services;
- l) 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, non-voice transmit-only Mobile Earth Stations operating within the 1613.8-1626.5 MHz frequency band that are registered to the authorised satellite network operator and designed to ensure protection of other users of the spectrum from unacceptable interference;
2. that the equipments identified in this Decision shall not transmit at a higher e.i.r.p than 30 dBm and shall operate in accordance with the provisions of RR 5.364; the equipments shall not exceed a maximum duty cycle of 1% (see note below) and the level of unwanted emissions shall not exceed the limits specified in Table 1 to Annex 1 of ITU-R Recommendation M. 1343-1;
3. that whenever use of the non-voice transmit-only Mobile Earth Stations operating within the frequency band indicated in this Decision is permitted in the country of registration, administrations shall permit free circulation and use of visiting transmit-only Mobile Earth Stations fulfilling the following criteria:
 - such transmit-only Mobile Earth Stations are registered to the authorized satellite network operator and meet the requirements of Decides 2;
 - frequency planning or individual frequency assignments are not required in the visited country;
4. that the free circulation and use of the non-voice transmit-only Mobile Earth Stations referred to in this Decision shall be allowed without requiring any kind of national licence or any registration in the country visited;
5. that in CEPT countries where use of the transmit-only Mobile Earth Stations referred to in this Decision is not permitted, free circulation without permission of using the radio equipment shall be allowed;
6. that when free circulation without permission of using the radio equipment is allowed, administrations may take measures to prevent the use of the transmit-only Mobile Earth Stations;
7. that this Decision shall enter into force on 30 October 2009;
8. that the preferred date for implementation of this Decision shall be 1 May 2010;
9. 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:

For the purposes of this Decision the duty cycle is defined as the ratio, expressed as a percentage, of the maximum transmitter “on” time on one carrier frequency, relative to a one hour period.

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.