

EUROPEAN RADIOCOMMUNICATIONS COMMITTEE

ERC Decision
of 29 November 1999
on the Establishment of a
Regulatory Database of licensing regimes for
telecommunication networks and services

(ERC/DEC/(99)22)



WITHDRAWN

EXPLANATORY MEMORANDUM

1 INTRODUCTION

The 43 CEPT administrations apply a variety of regulations for the exploitation of telecommunication networks, infrastructure, and services and the use of radio equipment. Market entry requires quick access to regulatory information in the European countries in order to obtain the necessary licences. CEPT decided to establish a database containing the required information of CEPT administrations in one place. This Decision provides for such a database. Detailed information for the content of the database is set out in the annex to this Decision.

2 BACKGROUND

Both ETO and ERO websites contain information with respect to regulatory aspects in the 43 CEPT countries. Signatory countries to ETO's One-Stop-Shopping arrangement provide information for a database on so called Other liberalised services. ETO started collecting, analysing and publishing regulatory information on Voice Telephony and Infrastructure. ERC Decision (97)09/ECTRA Decision (97)01, on the provision of information for a database of licensing requirements for VSAT/SNG also provide for a database of VSAT/SNG regulations. ERC Decision (97)01 provides for the publication of national frequency tables.

The main purposes of these regulatory databases as well as this Decision is to support what is termed "One Stop Shopping" already developed within the CEPT and to encourage their extension to telecommunications networks and services not yet covered. The One Stop Shopping concept was introduced to speed up and simplify the process of obtaining licences when such licences are required in more than one country in the CEPT. The thrust of this Decision is aimed primarily at entities wishing to provide networks and services in more than one CEPT country. It does not aim to radio amateur licences, national broadcasting licences, PMR-licences, etc. because there is no benefit to issue such licences through a One Stop Shopping process.

This Decision does not replace Decision ERC(97)01 (ERC Decision of 21 March 1997 on the publication of national tables of frequency allocations) or ERC Decision of 30 June 1997/ECTRA Decision of 12 March 1997 on the provision of information for a database of licensing requirements for VSAT/SNG ((ERC/DEC(97)09 and ECTRA/DEC(97)01).

However, while this Decision does encompass VSATs and SNG, it is envisaged that Decisions (97)09 could be withdrawn at the moment all countries that already signed up to (97)09 have also signed up to this Decision because at that moment ERC Decision ERC/DEC(97)09 and ECTRA/DEC(97)01 would become obsolete. Administrations are encouraged to sign up to this new Decision rather than to the existing VSAT/SNG Decision as mentioned above.

3 REQUIREMENTS FOR AN ERC DECISION

The possibility to use a single database is appreciated highly, both by operators and by administrations as a very helpful tool to support industry to obtain licences in the CEPT. The importance of such a database, the need to up-date the database on a regular basis and the fact that such a database is an appropriate tool to achieve harmonisation justifies the development of an ERC Decision.

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The European Conference of Postal and Telecommunications Administrations,

considering:

- a) that licensing regimes differ from country to country;
- b) that it can be time-consuming for applicants to get all the necessary licensing information separately from each individual administration;
- c) that it is useful to have access to this information from a central database;
- d) that ETO has been mandated by ECTRA and ERC to establish and maintain databases and make the information publicly available;
- e) that it is necessary for the administrations to provide the appropriate information and keep this information updated;
- f) that CEPT has been mandated by the European Commission to investigate the desirability, added value and possible modalities for establishing of a One-Stop-Shopping procedure for the operation of telecommunications networks and services
- g) that ECTRA and ERC have concluded that a regulatory database of licensing regimes for telecommunication networks and services is feasible and should be implemented in order to support applicants seeking authorisation in more than one country

taking into account

- a) ERC Decision of 21 March 1997 on the publication of national tables of frequency allocations (ERC/DEC(97)01);
- b) ERC Decision of 30 June 1997/ECTRA Decision of 12 March 1997 on the provision of information for a database of licensing requirements for VSAT/SNG (ERC/DEC(97)09 and ECTRA/DEC(97)01);
- c) the "Arrangement for a One-Stop-Shopping procedure for licences and other national authorisations for telecommunications services pursuant to the Memorandum of Understanding establishing the European Telecommunications Office";

DECIDES

1. that administrations shall provide the information detailed in Annex 1 in the English language and, if they wish, in other languages, to ETO, whenever this information is available according to national legislation;
2. that the administrations provide up-dated information whenever substantial changes take place;
3. that this Decision shall enter into force on 31 January 2000;
4. that CEPT Member 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 (<http://www.ero.dk>) for the up to date position on the implementation of this and other ERC Decisions.

ANNEX 1

Framework for a regulatory database of licensing regimes for telecommunication networks and services**I The date of the last update of the information****II General principles and description of the legal basis of the authorisation/licensing system in the country, relevant laws, policy documents etc****III) Definitions of relevant licensing regimes**

- 1) National definitions of license categories, systems, networks and services

The following information should be supplied per category as defined in under III, 1)**IV) National authorisation systems**

- 2) Licensing regime including conformity assessment requirements, frequency assignment procedures etc.
- 3) Frequency information relevant for each license category (availability, restrictions etc)

V) Preconditions which have to be fulfilled by the entity willing to provide the service in the country in order to be allowed to apply for an authorisation:

- 4) Ownership restrictions (e.g. foreign ownership restrictions, restrictions for operators who already run other networks or provide mobile services, etc.):
- 5) Conditions concerning reciprocal access to applicants' domestic markets
- 6) Conditions in terms of the applicant's financial capability
- 7) Individual requirements such as managerial and technical competence of the applicant and/or his staff
- 8) Requirement for structural separation of entities with a dominant position/significant market power in other markets
- 9) Presence of a legally registered representative in the country where the service/infrastructure will be provided
- 10) other preconditions e.g. due diligence requirements, fulfilment of milestones set by a CEPT Milestone Review Process if appropriate

VI) Authorisation procedures

- 11) Body to contact for further information/ body responsible for every license component (e.g. service, frequency, infrastructure)
- 12) List of information which has to be given to the NRA by the applicant in order to obtain the authorisation, including evidence that the preconditions are met and including the form in which it should be provided (language, copies etc)

- 13) Other information/documentation which has to be given to the NRA by the applicant in order to obtain the authorisation
- 14) Time schedule for the processing of applications (where applicable) by category
- 15) Reasons why the NRA can refuse authorisation or permission to provide services/infrastructure
- 16) Description of the appeal procedures in case of the refusal mentioned above

VII) Rights and obligations which may be attached to an authorisation

- 17) List of rights and obligation for the licensee (e.g. interconnection, rights of way, premium rate service, numbering, data protection)
- 18) List of information required by the NRAs from operators and service providers to fulfil reporting duties in order to verify compliance with the licensing conditions listed above and a description of how operators and service providers have to provide this information
- 19) Description of the Universal Service Obligation (USO), appointment of the USO provider and Universal service contribution
- 20) Specific obligations imposed on operators with significant market power
- 21) Duration of the authorisation
- 22) Renewal conditions and conditions to change the authorisation
- 23) Fees (initial and periodically, where appropriate)
- 24) Right to and restrictions on the transfer of authorisations by a licensee

VIII) Sanctions and appeal

- 25) Description of complaint procedures and appeal procedures and addresses of appeal bodies.
- 26) Cases in which the NRA can impose sanctions on operators and service providers and list of these sanctions.
- 27) Cases in which the NRA can withdraw permission to provide the service/operate the network

IX. Other important information

Note:

Please check the ERO web site (www.ero.dk) under “Documentation / Implementation” for the up to date position on the implementation of this and other ERC Decisions.