

EUROPEAN RADIOCOMMUNICATIONS COMMITTEE

ERC Decision
of 1st December 1995
on the free circulation of radio equipment in CEPT
member countries
(ERC/DEC/(95)01)



EXPLANATORY MEMORANDUM

1. INTRODUCTION

The free circulation of radiocommunications goods and services is a prerequisite to realise a dynamic and competitive European radiocommunications market. The ERC has decided that one of its policy goals is to provide for the free circulation of radio equipment within CEPT member countries. There is also a general desire in the CEPT member countries to reduce bureaucracy and the control exercised by authorities in the form of mandatory provisions to a minimum level.

Three different levels of free circulation can be identified:

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 type approval conditions and 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). The permission of placing the radio equipment on the market will be dealt with in a future ERC Decision.

2. BACKGROUND

During the past years the CEPT has developed several arrangements to facilitate the free circulation of radio equipment. For example, the Recommendations T/R 20-09 (PR-27 equipment), T/R 21-09 (Euteltracs service) and T/R 61-01 (CEPT radio amateur licence) contain provisions for free circulation of the equipment. A common feature for these Recommendations is that each one of them relates to a specific category of radio equipment.

Also two generic recommendations dealing with free circulation have been developed in the past years, namely T/R 21-06 (Conditions under which land mobile radio equipments may be carried but without being operated during short journeys and stays within CEPT member countries) and T/R 21-07 (Border crossing and use of mobile transmitter-receivers in CEPT member countries).

3. NEED FOR AN ERC DECISION

The above mentioned free circulation arrangements are based on ERC Recommendations. The Recommendations have a lower status than Decisions and Administrations often tend to accommodate the arrangements of the Recommendations to their own national circumstances. In addition to that, some of the Recommendations contain a set of options and this has caused different Administrations to adopt inconsistent practices.

The experience of users has shown that the existing free circulation arrangements do not work efficiently enough and that Administrations still set barriers against the free circulation of radio equipment.

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

It should be noted that in some countries the implementation of this Decision requires legislative changes that eventually need to be adopted by the parliament. These countries may need additional time before being able to commit themselves to this Decision.

**ERC Decision
of 1st December 1995**

**on the free circulation of radio equipment in CEPT member countries
(ERC/DEC/(95)01)**

The European Conference of Postal and Telecommunications Administrations,

considering:

- a) that one of the policy goals of the European Radiocommunications Committee is to provide for the free circulation of radio equipment within the CEPT member countries,
- b) that there is an increasing mobility of residents of CEPT member countries and an increasing need to provide for the free circulation of radio equipment while those persons are temporarily visiting other CEPT member countries,
- c) that radio equipment is being subject to ERC Decisions setting fully harmonised frequencies and technical standards,
- d) that the telecommunications policy within the European Union calls for free circulation and mutual recognition of licences,
- e) that the free circulation with permission of using the radio equipment provides for the mutual recognition of radio licences as Administrations accept in their territories the use of radio equipment that have been authorised by other Administrations,
- f) that the free circulation of radio amateur equipment is covered by a separate procedure,
- g) that this Decision does not cover aeronautical or maritime equipment or the use of any other radio equipment on board a ship or aircraft,

recognising:

- a) that in order to prevent the use of equipment for illegal purposes, many countries have in their legislation restrictions against the possession of such equipment,
- b) that the equipment referred to in *recognising a)* are excluded from the scope of this Decision,

DECIDES

1. that this Decision applies only to the carriage and use of radio equipment by visitors in CEPT member countries and that the permission of placing radio equipment on the market is not covered by this Decision,
2. that whenever use of the radio equipment is permitted in visitors' home country Administrations shall permit free circulation and use of radio equipment fulfilling all of the following criteria:
 - 2.1. the radio equipment operates on harmonised frequencies with common technical standards,
 - 2.2. no frequency planning or individual frequency assignment is needed,
3. that the radio equipment fulfilling the criteria mentioned above are listed in annex 1,
4. that the holding and use of the radio equipment mentioned in annex 1 shall be allowed without requiring any kind of national licence or any registration of the radio equipment in the country visited,
5. that free circulation without permission to use the radio equipment shall be allowed for all other types of radio equipment permitted to be used on land vehicles or as portable in the visitors' home country,
6. that when free circulation without permission to use is allowed, in justified cases Administrations may take measures to prevent the use of the radio equipment,
7. that the free circulation and use of all kinds of stand-alone radio receivers shall be allowed; however, the reception of other than broadcast transmissions may be subject to national legislation,
8. that this Decision shall be implemented by 1 January 1997 at the latest,
9. 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 (www.ero.dk) under "Documentation / Implementation" for the up to date position on the implementation of this and other ERC Decisions.

ANNEX 1

Free circulation and use shall be allowed in CEPT member countries for the following categories of type approved radio equipment:

- * GSM mobile phones
- * DECT mobile equipment
- * Omnitrac terminals for the Euteltracs system¹
- * Inmarsat-C terminals
- * Inmarsat-M terminals
- * PR-27 mobile stations

¹ The temporary use of this radio equipment will be allowed on a non-protected and non-interference basis (RR 342).