



European Radiocommunications Committee (ERC)
within the European Conference of Postal and Telecommunications Administrations (CEPT)

ERC RECOMMENDATION (00)01

ON THE ESTABLISHMENT OF A CEPT ONE STOP SHOPPING PROCEDURE FOR SATELLITE LICENCES AND AUTHORISATIONS

Recommendation adopted by the "European Radiocommunications Committee" (ERC)

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 that applicants go through each national regulation and provide information, individually, to each National Regulatory Authority (NRA). In order to facilitate the process of applying for satellite licences and authorisations in CEPT countries, CEPT has been developing a regulatory database and an electronic combined application form required for the operation of a One-Stop-Shopping procedure for satellite systems. In this context, the SIG OSS SAT has noted that regulatory authorities in other parts of the world have also taken steps to accept electronic application forms. It was further noted that the growing use of e-mail and world wide web facilitate the use of electronic application forms.

The scope of this Recommendation is the implementation of the "One Stop Shopping" procedure for satellite telecommunications network services and terminals. The One Stop Shopping procedure for other liberalised services 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 extension of the One-Stop-Shopping procedure to satellite systems is a further step towards facilitating market access, with the additional benefits that an electronic application form provide for both NRA's and applicants. The thrust of this Recommendation is aimed primarily at entities wishing to provide satellite networks and services and/or to operate satellite terminals in more than one CEPT country. This Recommendation is not intended to cover radio amateur or broadcasting services.

Requirements for an ERC Recommendation

The possibility of using a single point of contact, a combined application form and a centralised database is highly appreciated, both by operators and Administrations as a helpful tool to support industry in obtaining licences within the CEPT. The benefits of the OSS procedure to Satellite Industry and Administrations were identified in a report from the SIG OSS SAT to ERC/ECTRA (see Recommends 2).

The importance of a One-Stop-Shopping procedure for licensing of satellite networks, services and terminals, especially in the light of the EU Licensing Directive (97/13/EC), justifies the development of an ERC/ECTRA Recommendation.

"The European conference of Postal and Telecommunications Administrations,
considering

- a) that licensing regimes and hence licensing conditions differ from country to country;
- b) that it can be time-consuming for applicants to obtain all the necessary licensing information separately from each individual Administration;
- c) that it can be time-consuming for applicants to provide each individual Administration with the required information;
- d) that part of the information asked by each NRA is common to a number of countries;
- e) that ECTRA and ERC have been mandated by the European Commission to investigate the desirability, added value and possible modalities of establishing a One-Stop-Shopping procedure for the operation of telecommunications networks and services;
- f) that ECTRA and ERC have concluded that an OSS for satellite networks and services is feasible and ought to be implemented in order to support applicants seeking authorisation in more than one country;
- g) that this OSS procedure will comprise a regulatory database of licensing regimes for telecommunication networks and services, an electronic combined application form for satellite licensing and a Shop;
- h) that the OSS procedure will be available from 1st of July 2000.

taking into account

- i) ERC Decision of 21 March 1997 on the publication of national tables of frequency allocations (ERC/DEC(97)01);
- ii) 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);
- iii) ERC Decision (99)22 of 29th November 1999/ ECTRA Decision (99)05 of 2nd December 1999 on Establishment of a Regulatory Database of licensing regimes for telecommunication networks and services;
- iv) 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", modified on 2 December 1997 (ECTRA(93)69 Final Rev2, Annex A);
- v) Directive 97/13/EC of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorisations and individual licences in the field of telecommunications services, and in particular art.13 "One-Stop-Shopping procedure";
- vi) the recommendation in support of OSS made by the Satellite Action Plan Regulatory Working Group (SAP RWG) in its first report on Market Access as well as the numerous letters of support from the Satellite Industry.

recommends

- 1) that Administrations accept the principles of One-Stop-Shopping for satellite licences and authorisations described in *ERC Report on One Stop Shopping for satellite licences and authorisations*, a summary of which is annexed to this Recommendation;
- 2) that Administrations accept the procedure described in the aforementioned summary and Report in support of the establishment of One-Stop-Shopping for satellite licences and authorisations within the CEPT;
- 3) that Administrations inform the Shop about any changes in national licensing and authorisations requirements in order to ensure that all relevant information relating to OSS for satellite licences and authorisations is kept up to date;
- 4) that Administrations inform the Shop about the acceptability of electronic application forms;
- 5) that Administrations participate in a regular review of the OSS procedure with a view to making further improvements.

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 Recommendations

Annex 1

MAIN PRINCIPLES AND PROCEDURES OF THE CEPT ONE STOP SHOPPING PROCEDURE FOR SATELLITE LICENCES AND AUTHORISATIONS¹

1. Purpose of the OSS procedure for satellite licences and authorisations

The CEPT One-Stop-Shopping procedure is a simplified procedure for an applicant who wants to obtain (a) satellite licence(s) or authorisations in one or more CEPT countries.

The OSS procedure offers the applicant the possibility to deal with a single point of contact who handles the applications for different national licences.

The duties of that single point, the Shop, are assigned to the European Telecommunications Office, ETO.

2. Scope of the OSS Procedure

The OSS procedure covers all satellite networks, systems and services except for the space segment. The procedures may vary by the type of satellites used, configuration of the system or kind of services they provide.

3. Main elements of the OSS -Procedure

The OSS Shop offers the following services:

A common regulatory database (s) containing on-line information regarding the satellite regulations in the 43 CEPT countries.

An electronic (on-line) application form to be used throughout the 43 CEPT countries for the application for satellite licences.

The operation of a Shop to process applications to the NRA's.

4. Main principles of the OSS

The OSS procedure is open to applicants from all CEPT countries as well as to applicants from countries outside the CEPT, wishing to provide services within the CEPT.

It is for the applicant to decide whether to follow the CEPT OSS procedure or to apply for a licence directly at the national NRA.

Applications following the OSS procedure may be processed fully electronically or by distribution of paper documents.

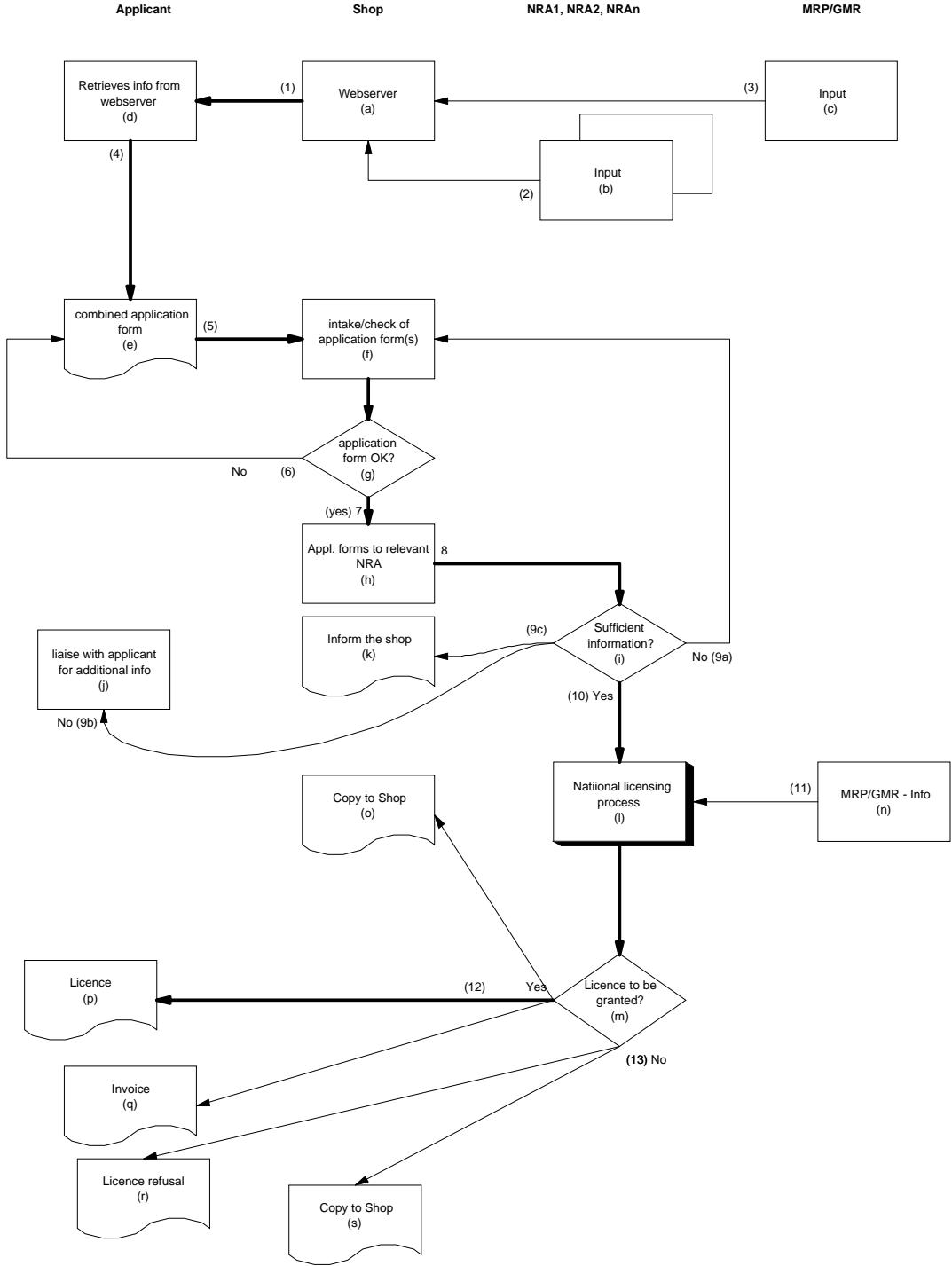
The Shop acts as a point of contact providing advice, as an electronic post-box and as an information centre for applicants.

There is no transfer of responsibilities or sovereign rights in granting the licences from the national Administrations to the Shop. The OSS fully respects national licence requirements.

The OSS procedure will not prevent applicants and Administrations from having direct contact.

¹ More detailed information regarding the OSS procedures is contained in "ERC/ECTRA Report on One Stop Shopping for satellite licences and authorisations, description of the CEPT OSS procedure for satellite licences and authorisations"

5. CEPT One-Stop-Shopping Procedure for satellite licences and authorisations (flow chart)



6. Explanatory notes to the chart

Definitions used:

Applicant = entity applying for satellite licences in one or more CEPT countries in accordance with the OSS-procedure

Shop = the entity acting as point of contact in the OSS procedure for CEPT Administrations

NRA = National Regulatory Authority, the body responsible for issuing licenses for satellite networks

MRP/GMR = the CEPT milestone review procedure, which gives advice to the NRA on the compliance of milestones by satellite network operators

Line number	Explanation	Box number
1	The start of the procedure. Any applicant can retrieve information regarding the OSS procedure from the Website maintained by the Shop.	a
2	The Website -maintained by the Shop- contains relevant information regarding the licensing regimes, conditions and regulation in the CEPT countries. The web server contains information supplied by the NRA's in a searchable database (see paragraph 9 below).	b
3	Results of the MRP/GMR process for satellite system, if appropriate, will also be available at the Website, the information will be provided regularly by the MRP/GMR secretariat.	c
4	The Website contains an electronic application form, to be filled out on-line or off-line after the applicant has requested a unique password for the application, which is also to be used to retrieve a form saved earlier. For every new application a new unique password is required. The software will guide the applicant through the application and present the questions to be answered or each country applied for. The software will also check that all relevant questions are filled out.	d & e
5	After the applicant has filled out the Combined Application Form, he sends it electronically to the server at the Shop. The server will generate an OSS registration number for each country which will be added to the form for each country and which should also be added to all required attachments and the declaration at the end of the application form. Documents with the same OSS registration number belong to the same application. For each country a separate application form will be generated. The original signed versions of the application form in the required language and the authentic attachments (if required by the NRA's) will be submitted to the Shop.	f & g
6	The Shop will do a final check that the form has been completed. The shop is not able to modify the form, only the applicant can, through his unique password. If the forms have not been completed properly the Shop will inform the applicant. A second check will follow.	
7	If the application forms are complete they will be send to the NRA's. <i>Note: the Shop does not judge whether a licence should be granted or not. It simply checks whether the applicant has supplied all the information required for processing the application. However this does not prevent NRA's to request additional information when appropriate.</i>	

8	<p>In case of paper applications: The Shop registers the application forms, makes copies and forwards the original forms including the original attachments to the relevant NRA's.</p> <p>In case of electronic applications: Electronic applications will be stored on the server. The Shop registers the application and email the relevant NRA's that an application is stored for retrieval. The Shop will simultaneously distribute attachments and the signed application form to the relevant NRA's after receipt from the applicant.</p> <p>The NRA can retrieve the form after submission of their own unique passwords which gives NRA's access to their section of the server.</p>	h
	The NRA's will check the application form in order to determine whether the applicant has supplied all the necessary information or needs further clarification.	i
9	After receipt of the application by the NRA the NRA's have following options in case the application has not yet been completed:	
9a	If the information on the application form is not sufficient to allow granting the licence, the NRA may return the application to the Shop with a request for the applicant to provide missing information.	f
9b	Instead the NRA may inform the applicant directly and ask for additional information and/or clarification in order for the applicant to complete the application form.	j
9c	In case of 9b the NRA has to inform the Shop that the application form is not complete and that it has requested the applicant to provide additional information directly.	k
10	If the application form has been completed properly, the NRA will have to decide whether the licences applied for can be granted. The Shop starts keeping track of the process. (See number 12 below).	m
	Note: the assessment of the application by an NRA is a national process. Part of that process may be the necessity of a co-ordination procedure (based on the international Radio Regulations) or of bilateral co-ordination procedures with other Administrations. Such co-ordination process will not affect the structure of the process, only the duration of the licensing procedure.	l
11	During the assessment of the application form and in order to decide whether the licence can be granted, the NRA may also need to take account of the results of the MRP/GMR, if applicable.	n

12	<p>As soon as the licence or authorisation can be granted (box m), the NRA will issue the licence to the applicant (box p), together with an invoice for the fee (box q), if applicable. The Shop will be informed accordingly.</p> <p>Note: instead of granting a licence or authorisation, the response from the NRA to the applicant may be that an individual licence is not necessary. It is likely, however, that in practice this would follow from the initial information on the Web site.</p> <p>Being aware of the different time limits for processing and issuing the licence in the CEPT countries, when processing the licence, NRA's shall take account of the following time limits²:</p> <ul style="list-style-type: none">a) as soon as possible but no longer than six weeks after receipt of the complete application, NRA's should inform the applicant of their decision;b) in justified cases, the time limit may be extended to four months. <p>These time limits will be without prejudice to any applicable international agreements relating to frequency and satellite earth station co-ordination.</p> <p>(based on art. 9 of the Licensing Directive)</p>	
13	If the licence is not granted, the NRA will send a letter of refusal to the applicant giving the reason(s) for refusing the licence. The NRA will also inform the Shop about the refusal to grant the licence.	r & s
	For the NRA the OSS procedure is closed after it has issued or refused the licence. For the Shop, the procedure is closed only after the last application for a licence has been finalised and the applicant has been informed accordingly. The electronic application will be removed from the server after the relevant NRA has closed the licensing process in question and has informed the Shop accordingly.	

² for non EU-countries other processing times may apply, information on this will be available in the OSS database