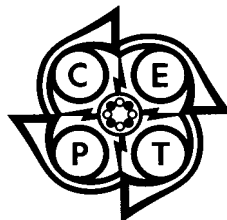


ELECTRONIC COMMUNICATIONS COMMITTEE

ECC Decision
of 15 November 2002
on exemption from individual licensing
of GSM-R mobile terminals operating
within the frequency bands
876 - 880 MHz and 921 - 925 MHz for railway purposes

(ECC/DEC/(02)10)



EXPLANATORY MEMORANDUM

1 INTRODUCTION

Licensing is an appropriate tool for administrations to regulate the use of radio equipment and the efficient use of the frequency spectrum. However, the technical characteristics of radio equipment require less intervention from the administrations as far as the installation and use of equipment is concerned. Administrations and especially users, retailers and manufacturers will benefit from a more deregulated system of authorising the use of radio equipment.

2 BACKGROUND

There is a general agreement 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 might be exempted from licence. Within the EEA, Directives 1999/5/EC (the R&TTE Directive) and Directive 97/13/EC (the Licensing 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 general the CEPT administrations apply similar systems of licensing and exemption from individual licensing. However, different criteria are used to decide whether radio equipment should be licensed or exempted from an individual licence.

The free movement 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 licensing and apply -to achieve that- 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. Furthermore, the administration will not register the individual equipment. The use of the equipment can be subject to general provisions or a general licence.

3 REQUIREMENT FOR AN ECC DECISION

ERC/REC 01-07 that was adopted in 1995 listed harmonised criteria for the administrations to decide whether an exemption of individual licence should be applied. The aim of this Decision is to exempt GSM-R mobile terminals for railway purposes operating in the bands 876 -880 MHz and 921 - 925 MHz, from individual licensing because they fulfil the criteria for exemption listed in ERC/REC 01-07.

**ECC Decision
of 15 November 2002**

**on exemption from individual licensing of GSM-R mobile terminals operating within
the frequency bands 876 - 880 MHz and 921 – 925 MHz for railway purposes**

(ECC/DEC/(02)10)

“The European Conference of Postal and Telecommunications Administrations,

considering

- a) that within the CEPT administrations there is a growing awareness of a need for harmonisation of licensing regimes in order to facilitate the free circulation of radio equipment;
- b) that it therefore would be desirable for CEPT administrations to have common licence regimes at their disposal in order to control the installation, ownership and use of radio equipment;
- c) that there is a strong desire within the CEPT administrations to improve efficiency by reducing the control exercised by administrations in the form of mandatory provisions;
- d) that there is considerable difference in national licensing, laws and regulations and that harmonisation therefore can only be introduced gradually;
- e) that national licensing regimes should be as simple as possible, in order to minimise the burden upon the administrations and users of equipment;
- f) 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;
- g) that administrations should work towards the exemption of relevant radio equipment from individual licensing based on harmonised criteria detailed in ERC/REC 01-07;
- h) that this Decision shall not impede EEA member countries from fulfilling their obligations according to Community Law.

noting

- a) that GSM-R mobile terminals operate within the frequency bands 876 - 880 MHz and 921 - 925 MHz and facilitate the managing and operating of railway traffic;
- b) that these terminals comply with relevant European and international standards for Essential Requirements with regard to radio, EMC and safety, and also fulfil the criteria for exemption listed in ERC/REC 01-07;

DECIDES

- ~~1-a)~~ to exempt GSM-R mobile terminals for railway purposes operating within the frequency bands 876 - 880 MHz and 921 - 925 MHz as specified in detail by ECC/DEC/(02)05 that fulfil noting a) and b) from individual licensing;
- ~~2-b)~~ that this Decision shall enter into force on 15 November 2002;
- ~~3-c)~~ 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 CEPT web site (<http://www.cept.org>) for the up to date position on the implementation of this and other ERC/ECC Decisions