



ECC Decision (12)01

Exemption from individual licensing and free circulation
and use of terrestrial and satellite mobile terminals
operating under the control of networks

Approved 01 June 2012

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 mobile radio equipment require less intervention from the administrations as far as the installation and use of equipment is concerned.

When radio equipment is subject to an exemption from individual licensing, it may be used without any prior individual permission from the administration. The use of the equipment can be subject to general provisions or general authorization conditions.

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 EEA, Directive 2002/20/EC of 7 March 2002 as amended by Directive 2009/140/EC include the principle that individual rights of use is only justified for reasons such as the efficient use of the spectrum and the avoidance of harmful interference.

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

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.

This Decision deals only with level 2 of free circulation (free circulation with 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.

The free circulation and use of radio equipment and the provision of Pan-European services will be greatly assisted when all CEPT administrations would exempt the same categories of radio equipment from licensing.

2 BACKGROUND

During the past years the CEPT has developed several regulatory measures to facilitate the licence exemption and the free circulation and use of GSM 900/1800 MHz and IMT-2000 terrestrial and satellite mobile terminals. ERC/DEC/(97)11 covers the free circulation and use of DCS-1800 equipment, ERC/DEC/(98)20 covers the license exemption of GSM-900 equipment, ERC/DEC/(98)21 covers the license exemption of DCS-1800 equipment, ERC/DEC/(00)06 covers the licensing and global circulation and use of IMT-2000 terrestrial and satellite mobile terminals, ECC/DEC/(07)04 covers the free circulation and use of mobile satellite terminals and ECC/DEC/(07)05 covers the exemption from individual licensing of land mobile satellite terminals. A common feature for these Decisions was that each one of them relates to a specific category of radio equipment. In order to achieve a technology neutral approach, any reference to a special category or technology in the body of the Decision should be avoided.

ECC Decisions are regulatory texts providing measures on significant harmonisation matters, which CEPT members are strongly recommended to follow. ECC Decisions of purely regulatory nature are the mechanisms for harmonisation of licensing regimes in order to facilitate the free circulation of radio equipment. They are aimed to provide a more efficient use of the radiofrequency spectrum and to foster the deployment of applications to meet a market demand in a harmonised manner throughout CEPT.

Since this Decision replaces ERC/DEC/(97)11, ERC/DEC/(98)20, ERC/DEC/(98)21, ERC/DEC/(00)06, ECC/DEC/07(04) and ECC/DEC/(07)05 they shall be withdrawn two years after this Decision enters into force.

The terrestrial and satellite mobile terminals under the scope of this Decision operate within the frequency bands designated in the following Decisions: ERC/DEC/(94)01, ERC/DEC/(97)02, ERC/DEC/(95)03, ECC/DEC/(02)06, ECC/DEC/(05)05, ECC/DEC/(06)01, ECC/DEC/(06)09, ECC/DEC/(06)13, ECC/DEC/(09)02, ECC/DEC/(09)03 and ECC/DEC/(11)06.

3 REQUIREMENT FOR AN ECC DECISION

The aim of this Decision is to reduce the number of Decisions on exemption from individual licensing and free circulation and use of terrestrial and satellite mobile terminals operating under the control of networks. This Decision is as technology neutral as possible and does not discriminate against a particular type of technology, since the terrestrial mobile terminals will adjust to the requirements of the radio access network and satellite mobile terminals function under the control of their network.

ECC DECISION OF 1 JUNE 2012 ON EXEMPTION FROM INDIVIDUAL LICENSING AND FREE CIRCULATION AND USE OF TERRESTRIAL AND SATELLITE MOBILE TERMINALS OPERATING UNDER THE CONTROL OF NETWORKS (ECC/DEC/(12)01)

“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 licensing regimes 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 national licensing regimes should be as simple as possible, in order to minimise the burden upon the administrations and users of equipment;
- e) 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;
- f) that GSM mobile terminals shall operate within the frequency bands 880-915 / 925-960 MHz as designated in ERC/DEC/(94)01 and ERC/DEC/(97)02 and within the frequency bands 1710-1785 / 1805-1880 MHz as designated in ERC/DEC/(95)03;
- g) that the results of the compatibility studies to accommodate technologies other than GSM and UMTS (LTE and WiMAX) in the frequency bands 880-915 / 925-960 MHz and 1710-1785 / 1805-1880 MHz can be found in CEPT Reports 40 and 41;
- h) that terrestrial IMT-2000/UMTS systems operate within the frequency bands 880-915 / 925-960 MHz and 1710-1785 / 1805-1880 MHz as designated in ECC/DEC/(06)13. This Decision supports technology evolution and may be subject to review as a result of further development relating to technology neutrality;
- i) that administrations take all necessary measures to ensure the protection of continuing GSM operations in these bands;
- j) that WRC-07 allocated the band 3400-3600 MHz to the mobile service, except aeronautical mobile service on a primary basis in a number of countries in the ITU Region 1 subject to the provisions of RR No. 5.430A;
- k) that RR No. 5.430A also identifies the 3400-3600 MHz band for IMT;
- l) that ECC/DEC/(11)06 addresses harmonised frequency arrangements for mobile/fixed communications networks (MFCN) operating in the bands 3400-3600 MHz and 3600-3800 MHz;
- m) that WARC-92 identified the bands 1885-2025 MHz and 2110-2200 MHz for use, on a world-wide basis, by administrations wishing to implement IMT-2000;
- n) that WRC-2000 further identified the bands 1710-1885 MHz and 2500-2690 MHz for IMT-2000 in accordance with Resolutions 223 and 224 (Rev.WRC-2007) and the bands 1525-1544 MHz, 1545-1559 MHz, 1610-1626.5 MHz, 1626.5-1645.5 MHz, 1646.5-1660.5 MHz and 2483.5-2500 MHz for the satellite component of IMT-2000 in accordance with Resolution 225 (Rev.WRC-2007);
- o) that WRC-07 identified the band 790-862 MHz for IMT in accordance with Resolution 224 (Rev.WRC-07) and the band 3400-3600 MHz (see RR No. 5.430A) in countries identified in the footnotes;

- p) that the frequencies within the bands mentioned in *considerings* m), n), and o), which are intended for use by IMT systems in CEPT on a harmonised basis, have been designated within Europe with ECC/DEC/(02)06, ECC/DEC/(05)05, ECC/DEC/(06)01, ECC/DEC/(06)09, ECC/DEC/(06)13, ECC/DEC/(09)02 and ECC/DEC/(09)03;
- q) that harmonized standards for the equipment operating in the frequency bands listed in Annex 1 are contained in the ECA Table (ERC Report 25);
- r) that detailed specifications of IMT radio interfaces are described in ITU-R Recommendation M.1457 for IMT-2000 and Recommendation ITU-R M.2012;
- s) that ITU has approved Recommendation ITU-R M.1850 which specifies the radio interfaces of the satellite component of IMT-2000;
- t) that ITU approved Resolution ITU-R 56 on Naming for International Mobile Telecommunications;
- u) that ITU approved Recommendation ITU-R M.1579 on global circulation of IMT-2000 terminals;
- v) that RR No. 5.376A specifies that mobile satellite terminals in the band 1660-1660.5 MHz shall not cause harmful interference to stations of the radio astronomy service;
- w) that for mobile satellite terminals installed permanently on maritime vessels or aircraft, licensing or notification, if applicable, takes place in the country of registration;
- x) that administrations should work towards the exemption of relevant radio equipment from individual licensing based on harmonised criteria detailed in ERC/REC 01-07;
- y) that in EU/EFTA countries the radio equipment that is under the scope of this Decision shall comply with the R&TTE Directive (1999/5/EC). 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. that administrations, with the exception of satellite terminals installed permanently on maritime vessels or aircraft, shall exempt from individual licensing and allow the free circulation and use of the terrestrial and satellite mobile terminals operating under the control of terrestrial or satellite networks, capable of providing electronic communications services in the frequency bands, or parts of the frequency bands, listed in Annex 1;
2. that administrations may restrict the use of multi-mode terminals containing a mode that is not of the receive-before-transmit type;
3. that this Decision replaces ERC/DEC/(97)11, ERC/DEC/(98)20, ERC/DEC/(98)21, ERC/DEC/(00)06, ECC/DEC/(07)04 and ECC/DEC/(07)05 which shall be withdrawn on 1 June 2014;
4. that this Decision enters into force on 1 June 2012;
5. that the preferred date for implementation of this Decision shall be 1 September 2012;
6. that CEPT administrations shall communicate the national measures implementing this Decision to the ECC Chairman and the ECO when the Decision is nationally implemented."

Note:

Please check the Office documentation database <http://www.ecodocdb.dk> for the up to date position on the implementation of this and other ECC Decisions.

ANNEX 1:**Table 1: Frequency bands covered by this ECC Decision**

Frequency band	System	ERC/ECC Decision and/or ITU RR reference
790-862 MHz	Terrestrial	ECC/DEC/(09)03 Nos. 5.316A, 5.316B
880-915 MHz	Terrestrial	ERC/DEC/(94)01, ERC/DEC/(97)02, ECC/DEC/(06)13
925-960 MHz	Terrestrial	ERC/DEC/(94)01, ERC/DEC/(97)02, ECC/DEC/(06)13
1518-1525 MHz	MSS space-to-Earth	Res.225 (Rev.WRC-12) ¹
1525-1544 MHz	MSS space-to-Earth	Res.225 (Rev.WRC-12)
1545-1559 MHz	MSS space-to-Earth	Res.225 (Rev.WRC-12)
1610-1626.5 MHz	MSS Earth-to-space	Res.225(Rev.WRC-12)
1613.8-1626.5 MHz	space-to-Earth (secondary)	ECTRA/DEC/(97)02, ECC/DEC/(09)02
1626.5-1645.5 MHz	MSS Earth-to-space	Res.225 (Rev.WRC-12)
1646.5-1660.5 MHz	MSS Earth-to-space	Res.225 (Rev.WRC-12)
1670-1675 MHz	MSS Earth-to-space	Res.225 (Rev.WRC-12)
1710-1785 MHz	Terrestrial	Res.223 (Rev WRC-12), ECC/DEC/(06)13, ERC/DEC/(95)03
1805-1880 MHz	Terrestrial	Res 223 (Rev WRC-12) ERC/DEC/(95)03, ECC/DEC/(06)13
1900-1980 MHz	Terrestrial	ECC/DEC/(06)01 ²
1980.0-2010.0 MHz	MSS Earth-to-space	Res.212 (Rev.WRC-07) ECC/DEC/(06)09
2010-2025 MHz	Terrestrial	ECC/DEC/(06)01
2110-2170 MHz	Terrestrial	Res.212 (Rev WRC-07), ECC/DEC/(06)01
2170-2200 MHz	MSS space-to-Earth	Res.212 (Rev.WRC-07) ECC/DEC/(06)09
2483.5-2500 MHz	MSS space-to-Earth	Res.225 (Rev.WRC-12) ECC/DEC/(09)02, ECTRA/DEC/(97)02
2500-2690 MHz	Terrestrial	Res.223 (Rev.WRC-12) ECC/DEC/(05)05, ECC/DEC/(02)06
3400-3600 MHz	Terrestrial	ECC/DEC/(11)06
3600-3800 MHz	Terrestrial	ECC/DEC/(11)06

¹ ITU Resolution. 225 covers the satellite component of IMT and not all MSS systems.

² While the original version of ECC/DEC(06)01, entered into force on 26 March 2006, covered both the paired and unpaired bands, the 2012 revision of this Decision will only cover the paired bands.