

**CEPT/ERC/RECOMMENDATION 01-07 E (Bonn 1995)****HARMONISED REGIME FOR EXEMPTION FROM INDIVIDUAL LICENSING OF RADIO EQUIPMENT**

Recommendation proposed by the Working Group "Radio Regulatory" (RR)

*Text of the Recommendation adopted by the "European Radiocommunications Committee" (ERC):*

**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.

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 can be exempted from a licence.

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 wide services will be greatly assisted when all CEPT Administrations would exempt the same categories of radio equipment from licensing and apply -to achieve that- the same criteria to decide on this.

This Recommendation lists harmonised criteria for the Administrations to decide whether an exemption of individual licensing should be applied.

When radio equipment is subject to an exemption from individual licensing, anyone can buy, install, possess and use the radio equipment without any prior permission from the Administration. Furthermore, the Administration will not register the individual equipment. The use of the equipment can be subject to general provisions.

"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 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 Administrations should work towards the exemption of relevant radio equipment from individual licensing based on harmonised criteria;

*noting*

that there is considerable difference in national licensing, laws and regulations and that harmonisation therefore can only be introduced gradually;

*recommends*

1. that CEPT Administrations implement a regime for exemption from individual licensing for categories of radio equipment which meet the following criteria:
  - a) the radio equipment is type approved or fulfils the technical regulation of the CEPT Administration in question;
  - b) the radio equipment is exactly defined;
  - c) individual frequency assignment is not needed;
  - d) there is a high degree of certainty that the frequency(ies) in question will remain fixed for a long period;
  - e) there is no need to establish individual provisions for each user;
  - f) there is no need for the Administration to register individual users and/or radio equipment;
  - g) there is little risk of harmful interference with other categories of radio equipment.
  
2. that 3 years from the date this Recommendation is adopted, CEPT Administrations shall review the Recommendation and consider its transformation into a Decision."

<b>History of Draft ERC Recommendation on a harmonised regime of exemption from individual licensing of radio equipment produced by the Secretary WGRR</b>		
<b>Meeting</b>	<b>Comment</b>	<b>Doc.no.</b>
10th meeting of ERC 21 - 25 March 1994, Nicosia	ERC/PT8 Report on ERC Long-term Strategy and Policy was presented. • Recommendations 9, 16, 18, 19, 20 and 21 were forwarded to RR for further action.	ERC(94)13
11th meeting of RR 16 - 20 May 1994, Tampere	Project Team RR6 was established to handle the recommendations concerning licensing.	
11th meeting of ERC 6 - 10 June 1994, Brussels	ERC took note of the activities of RR and endorsed this way forward.	
12th meeting of RR 26 - 30 September, The Hague	Work Schedule of PT-RR6 was introduced.  It was decided that licensing matters should be subject to an ERC Decision or several Decisions.	RR(94)100
1st meeting of RR6 19 - 22 October 1994, Groningen	First draft of ERC Decision.  It was decided to consider the structure for the ERC Decision in respect of PT8 Recommendations 16 and 20.	
12th meeting of ERC 24 - 28 October 1994, York	The Decision making in the area of licensing was accepted by the ERC.	
2nd meeting of RR6 11 - 13 January 1995, Helsinki	Second draft of ERC Decision was produced to be presented at the 13th meeting of RR.	RR(95)29
13th meeting of RR 27 February - 3 March 1995, Paris	The text was redrafted and accepted as draft Recommendation instead of a Decision. The draft Recommendation will be submitted to the ERC for approval. The development of ERC Decisions will be continued as a matter of priority.	RR(95)51 Annex L

Note! This history will not be part of the final output.