



# ERC Decision (98)22

Exemption from individual licensing and free circulation  
and use of DECT equipment

**Approved 23 November 1998**

**latest amended 5 November 2021**

## **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.

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.

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.

### **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 individual licensing.

The free circulation and use of radio equipment and the provision of Pan-European wide services will be greatly assisted when all CEPT administrations exempt the same categories of radio equipment from individual licensing and apply - to achieve that - the same criteria to decide on this.

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 general authorisation.

### **3 REQUIREMENT FOR AN ECC/ERC DECISION**

ERC Recommendation 01-07 that was adopted in 1995 (amended in 2004) listed harmonised criteria for the administrations to decide whether an exemption from individual licensing should be applied. The aim of this Decision is to exempt DECT equipment, complying with the ETSI EN 301 406 and specific usage conditions, from individual licensing because they fulfil the criteria for exemption listed in ERC Recommendation 01-07.

This Decision is further intended to provide a basis for administrations to allow the free circulation and use of DECT equipment throughout Europe.

**ERC DECISION OF 23 NOVEMBER 1998 ON EXEMPTION FROM INDIVIDUAL LICENSING AND FREE CIRCULATION AND USE OF DECT EQUIPMENT (ERC DECISION (98)22), AMENDED 8 NOVEMBER 2013 AND AMENDED 5 NOVEMBER 2021**

“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 ERC Decision (94)03 and EU Council Directive 91/287/EEC designate the 1880-1900 MHz frequency band for the DECT system;
- e) that there is considerable difference in national licensing, laws and regulations and that harmonisation therefore can only be introduced gradually;
- f) that national licensing regimes should be as simple as possible, in order to minimise the burden upon the administrations and users of equipment;
- g) 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;
- h) that administrations should work towards the exemption of relevant radio equipment from individual licensing based on harmonised criteria detailed in ERC Recommendation 01-07;
- i) that DECT equipment, depending on the radiated power level, may fulfil the criteria for exemption from individual licensing listed in ERC Recommendation 01-07;
- j) that the ETSI EN 301 406 contains technical requirements for DECT in the frequency band 1880-1900 MHz, covering equipment for residential and enterprise systems, for machine to machine communications, as well as for terminals of public access systems;
- k) that residential and enterprise equipment is mainly installed indoors and base stations for coverage of onsite related outdoor areas are intended to be installed below rooftop and below 7 m;
- l) that in EU/EFTA countries the radio equipment that is under the scope of this Decision shall comply with the RE Directive 2014/53/EU. Conformity with the essential requirements of the RE Directive may be demonstrated by compliance with the applicable harmonised European standard(s) cited in the Official Journal of the European Union (OJEU) or by using the other conformity assessment procedures set out in the RE Directive.

*DECIDES*

1. that CEPT administrations shall exempt from individual licensing DECT equipment, operating within the 1880-1900 MHz band that complies with ETSI EN 301 406 and the following usage conditions:
  - a. nominal transmit power of up to 250 mW (24 dBm)  
and
  - b. equivalent isotropic radiated power (e.i.r.p.) of up to:
    - 26 dBm for omnidirectional antennas
    - 30 dBm for directional antennas;
2. that CEPT administrations shall allow free circulation and use of DECT equipment covered by the present Decision;
3. that this Decision enters into force on 8 November 2013;
4. that the preferred date for implementation of this Decision shall be 8 May 2014;
5. that CEPT administrations shall communicate the national measures implementing this Decision to the ECC Chairman and the Office when this ERC Decision is nationally implemented.”

*Note:*

*Please check the Office documentation database <https://docdb.cept.org> for the up to date position on the implementation of this and other ECC/ERC Decisions.*