



ECC Decision (12)01

Exemption from individual licensing and free circulation
and use of satellite mobile terminals operating under
the control of networks in the range 1 to 3 GHz

approved 01 June 2012

latest amended 04 March 2022

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

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 the EEA, Directive (EU) 2018/1972 (“European Electronic Communications Code”) includes the principle that general authorisations are to be used where possible and individual rights of use are 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.

This Decision applies to satellite mobile terminals operating under the control of networks. Some CEPT administrations may require that satellite network operators obtain frequency authorisation or that the network is notified to them, due to national regulatory requirements.

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 may be subject to general provisions or general authorisation.

ECC Decision (07)04 and ECC Decision (07)05 were withdrawn by the original version of this ECC Decision on 1 June 2014.

3 REQUIREMENT FOR AN ECC DECISION

The aim of this Decision is to exempt from individual licensing and allow free circulation and use of 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.

ECC DECISION OF 1 JUNE 2012 ON EXEMPTION FROM INDIVIDUAL LICENSING AND FREE CIRCULATION AND USE OF SATELLITE MOBILE TERMINALS OPERATING UNDER THE CONTROL OF NETWORKS IN THE RANGE 1 TO 3 GHz (ECC/DEC/(12)01), CORRECTED 3 JULY 2015, AMENDED 18 NOVEMBER 2016 AND AMENDED 04 MARCH 2022

“The European Conference of Postal and Telecommunications Administrations,

considering

- a) that one of the policy goals of the CEPT Electronic Communications Committee is to provide for the free circulation and use of radio equipment within the CEPT member countries;
- b) that within 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;
- c) 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;
- d) that there is a strong desire within CEPT administrations to improve efficiency by reducing the control exercised by administrations in the form of mandatory provisions;
- 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 harmonised standards for the equipment operating in the frequency bands listed in Annex 1 are listed in the ECA Table (ERC Report 25 [2]);
- h) that the ITU-R has approved Recommendation ITU-R M.2014 [3] on global circulation of IMT satellite terminals;
- i) 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;
- j) that some CEPT administrations may require operators of satellite networks and satellite systems to comply with specific regulatory conditions to obtain an individual authorisation for their network or to notify their network/system, due to national regulatory requirements;
- k) that for mobile satellite terminals installed permanently on maritime vessels or aircraft, licensing or notification, if applicable, takes place in the country of registration;
- l) that administrations should work towards the exemption of relevant radio equipment from individual licensing based on harmonised criteria detailed in ERC Recommendation 01-07 [4];
- m) that in EU/EFTA countries the radio equipment that is under the scope of this Decision shall comply with the Radio Equipment (RE) Directive 2014/53/EU [5]. 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 (OJ), or by using the other conformity assessment procedures set out in the RE 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 satellite mobile terminals operating under the control of satellite networks, capable of providing electronic communications services in the frequency bands, or parts of the frequency bands, listed in Annex 1;
2. that this Decision enters into force on 18 November 2016;
3. that the preferred date for implementation of this Decision shall be 18 May 2017;
4. 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 Office documentation database <https://docdb.cept.org> for the up to date position on the implementation of this and other ECC Decisions.

ANNEX 1: LIST OF FREQUENCY BANDS**Table 1: Frequency bands covered by this ECC Decision**

Frequency band	System	ERC/ECC Decision and/or ITU RR reference
1518-1525 MHz	MSS space-to-Earth	Res.225 (Rev.WRC-12) [6] ¹ ECC Decision (04)09 [7]
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 1613.8-1626.5 MHz	MSS Earth-to-space space-to-Earth (secondary)	Res.225(Rev.WRC-12) ECC Decision (09)02 [8]
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) ECC Decision (04)09
1980-2010 MHz	MSS Earth-to-space	Res.212 (Rev.WRC-15) ECC Decision (06)09 [9]
2170-2200 MHz	MSS space-to-Earth	Res.212 (Rev.WRC-15) ECC Decision (06)09
2483.5-2500 MHz	MSS space-to-Earth	Res.225 (Rev.WRC-12) ECC Decision (09)02

¹ ITU Resolution 225 (Rev.WRC-12) covers the satellite component of IMT and not all MSS systems.

ANNEX 2: LIST OF REFERENCES

- [1] Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code
- [2] [ERC Report 025](#): "The European Table of Frequency Allocations and Applications in the frequency range 8.3 kHz to 3000 GHz (ECA Table)", approved June 1994 and latest amended October 2021
- [3] Recommendation ITU-R M.2014: "Global circulation of IMT satellite terminals"
- [4] [ERC Recommendation 01-07](#): "ERC Recommendation of 1995 on harmonised regime for exemption from individual licensing for the use of radio spectrum", approved May 1995, amended 1 May 2000 and revised 9 June 2004
- [5] Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC
- [6] ITU Radio Regulations, Edition of 2020
- [7] [ECC Decision \(04\)09](#): "The designation of the bands 1518-1525 MHz and 1670-1675 MHz for the Mobile-Satellite Service, approved November 2004 and amended on June 2009
- [8] [ECC Decision \(09\)02](#): "The harmonisation of the bands 1610-1626.5 MHz and 2483.5-2500 MHz for use by systems in the Mobile-Satellite Service", approved June 2009 and amended on November 2012
- [9] [ECC Decision \(06\)09](#): "The designation of the bands 1980-2010 MHz and 2170-2200 MHz for use by systems in the Mobile-Satellite Service including those supplemented by a Complementary Ground Component (CGC)", approved December 2006 and amended 5 September 2007