



ECC Decision (22)01

Free circulation and use of Mobile/Fixed Communication Networks (MFCN) terminals operating under the control of terrestrial networks

approved 4 March 2022

EXPLANATORY MEMORANDUM

1 INTRODUCTION

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 terrestrial mobile terminals operating under the control of terrestrial networks. With regard to the terrestrial networks, CEPT administrations require that an MFCN operator obtains a frequency authorisation.

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.

ERC Decision (97)11, ERC Decision (98)20, ERC Decision (98)21 and ERC Decision (00)06 were withdrawn by the original version of ECC Decision (12)01 on 1 June 2014 [1].

CEPT studied relevant technical conditions for the usage of aerial UE operating in MFCN harmonised bands (see relevant ECC deliverables) and is in the process of developing harmonised technical conditions accordingly.

3 REQUIREMENT FOR AN ECC DECISION

The aim of this Decision is to deal with the exemption from individual licensing and to allow free circulation and use of MFCN terminals operating under the control of terrestrial networks. This Decision is as technology neutral as possible and does not discriminate against a particular type of technology.

ECC DECISION OF 4 MARCH 2022 ON FREE CIRCULATION AND USE OF MOBILE/FIXED COMMUNICATION NETWORKS (MFCN) TERMINALS OPERATING UNDER THE CONTROL OF TERRESTRIAL NETWORKS (ECC DECISION (22)01)

“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 an 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 frequency bands and standards for MFCN terminals, including GSM and IMT, are listed in the ECA Table (ERC Report 25) [2];
- h) that the ITU-R has approved Recommendation ITU-R M.1579-2 [3] on global circulation of IMT terrestrial terminals;
- i) 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];
- j) that MFCN terminals fulfil the criteria for exemption from individual licensing listed in ERC/REC 01-07 and therefore MFCN terminals are exempt from individual licensing either implicitly by the rights of use granted to the MFCN or by other national regulation;
- k) that aerial UE operating in MFCN harmonised bands is subject to work in CEPT towards dedicated harmonised technical conditions;
- l) that in EU/EFTA countries the radio equipment that is under the scope of this Decision shall comply with the RE Directive [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 shall allow the free circulation and use of MFCN terminals operating under the control of terrestrial mobile/fixed communication networks;
2. that administrations may restrict the use of MFCN terminals containing a direct mode and of aerial UE;
3. that this Decision enters into force on 4 March 2022;
4. that the preferred date for implementation of this Decision shall be 4 September 2022;
5. 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 REFERENCES

- [1] [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 June 2012, corrected July 2015 and amended November 2016
- [2] [ERC Report 25](#): “The European table of frequency allocations and applications in the frequency range 8.3 kHz to 3000 GHz”, approved 1999, latest amended October 2021
- [3] Recommendation ITU-R M.1579-2: “Global circulation of IMT terrestrial terminals”
- [4] [ERC Recommendation 01-07](#): “Harmonised regime for exemption from individual licensing for the use of radio spectrum”, approved 1995, amended May 2000 and revised 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