



Electronic Communications Committee (ECC)
within
the European Conference of Postal and Telecommunications Administrations (CEPT)

ECC REPORT 160

**ENFORCEMENT BENCHMARKING
IN THE YEAR 2010**

Cardiff, January 2011

0 EXECUTIVE SUMMARY

This report is based on 32 responses from involved enforcement organisations to a questionnaire agreed by the WGRA Project Team on Enforcement (RA1) and circulated to CEPT administrations in January 2010. The report is a continuum to the ECC Report 130 on Enforcement Benchmarking.

The report summarises statistical information on enforcement organisations and their activities concerning years 2008 and 2009. The report includes also information on responsibilities, working methods and resources of enforcement organisations.

The intention of enforcement benchmarking is to offer information to administrations for purposes of planning enforcement operations and allocation of resources.

Detailed data on enforcement activities and resources gives an excellent picture of similarities and differences between enforcement organisations and their priorities. The information can be used also to find best practises and ways to improve co-operation between the European enforcement organisations and market surveillance authorities.

Reports on enforcement benchmarking provide CEPT entities with overall view on enforcement. In addition to these reports PT FM22 collects yearly information on spectrum monitoring resources such as measuring equipment, and ADCO/R&TTE collects information within the European Union on the number of inspected radio and telecommunications terminal equipment by market surveillance activities. Also the benchmarking results give useful information for international comparison but only regarding specific sectors of enforcement. Therefore the information collected by these three groups should not be considered as overlapping tasks but complementary to each other. Every action increasing visibility of market surveillance, inspection of radio equipment, spectrum monitoring and interference investigation should be seen as a step towards more efficient and correctly focused enforcement.

The interest for co-operation within the field of enforcement seems to be increasing since the number of responses to the present enforcement benchmarking questionnaire almost doubled in comparison with the previous one. It seems that administrations are willing to work together for defining and supporting a common enforcement strategy within CEPT. This kind of strategic report is needed in order to help enforcement organisations especially in planning operations and allocating resources but also in cooperation ensuring that enforcement aspects will be properly taken into account when issuing ECC Decisions and Recommendations in accordance with the ECC working methods.

Following conclusions and recommendations can be drawn from the 32 responses received for the questionnaire:

CONCLUSIONS

The following conclusions were drawn from analysis of the responses to the questionnaire:

The objectives and tasks of enforcement organisations can be considered quite similar within CEPT. The most common tasks are actions against illegal or unlicensed use of radio equipment, interference investigations, on-site inspections of radio installations and market surveillance of radio and telecommunications terminal equipment. Regarding other tasks, such as EMC market surveillance or in-house testing, some differences can be seen.

It is clear that some questions caused confusion to some administrations. It proved that it is difficult to understand what details were required in some questions, while it was difficult to understand the distinction between others. For example; Questions 1A and 1B are both related to the enforcement organisation, and since a clear distinction was not made, some respondees mixed these two questions in their responses.

It can be seen from the responses that, the Government organisations usually take charge of most aspects of radio enforcement, such as on-site inspections, monitoring and illegal use, while agencies and organisations take charge of the issues which could be considered commercial, such as testing and monitoring.

The number and the background of the enforcement staff of various administrations differ quite substantially. In some enforcement organisations the number of the technical staff is more than in others. These differences should be explored in order to better understand the rational behind the staffing policy in different organisations or administrations.

The geographical structure of an organisation can also influence its activities. 5 responses indicated that they have only one central office, but no regional/local offices. It can be estimated that organisations with geographically spread staff can respond to issues faster than those with centrally located staff. Organisations with centrally located offices may benefit

financially from maintaining fewer offices however. A wide distribution of staff allows not only swift access to most locations, but also wider coverage when performing national campaigns. A centrally located organisation in a large country will need to plan a systematic campaign travelling around all national regions. This can lead to a lack of local knowledge which can put enforcement authorities at a disadvantage.

Financing of the enforcement activities does not seem to have any specific policy within CEPT members. The source of finance is not related to specific activities. It is related to the financing of the responding organisation in general.

Despite of common objectives related to interference free radio communications, methods of intervention to non-conformities vary significantly. Common procedures or terminology does not exist most likely due to both cultural and legislative differences. Great variations can be seen both in process descriptions concerning interventions and statistics concerning enforcement cases and actions taken.

The lack of a common statistical basis is obvious. During benchmarking projects it has been possible to collect comparable data but it is not clear whether the questions and statistic categories are understood uniformly across different organisations. A simple common CEPT statistic of enforcement would be useful and could be created on the basis of information and experience regarding the benchmarking reports.

The category of on-site inspections can be understood to cover both fixed installations and mobile equipment e.g. in special events. Process of inspections in special events has already been described by RA1 in ECC Report 44, Guidance for Radio Usage at Special Events. So far though, no specific statistics concerning inspections during special events have been collected. Thus, a clear picture of these kinds of activities in different countries does not exist.

Many respondents described the processes concerning interventions in case of non-conformity to regulations. Even though results of these kinds of open questions are not easy to summarise and analyse, sharing process descriptions is very useful when composing a general view on enforcement procedures applied in CEPT countries. The nature of interference cases vary from country to country due to national situations and processes. In future, descriptions concerning interference resolutions and on-site inspections should be more widely shared between enforcement organisations.

Only few of the organisations reported having bilateral or regional agreements or other forms of co-operation with neighbouring countries. These forms of co-operation should be investigated in more detail, since the enhancement of co-operation is regarded to be very useful. The work of RA1 is seen necessary and increased co-operation between CEPT administrations would be favoured by many respondents. Concerns were raised however over possible overlapping of workload with ADCO/R&TTE and PT FM22. Respondents felt that possibilities of taking an enforcement view into account when preparing ECC Deliverables should be further improved.

RECOMMENDATIONS

CEPT administrations are expected to enforce the regulations provided in ECC Decisions and Recommendations which they have implemented at national level. In practise, this can lead to some difficulties for CEPT administrations when enforcement issues have not been considered at the drafting stage, where they need to be properly taken into account.

In order to achieve this, it is recommended that:

- a) Based on the benchmarking report ECC should initiate a new work item for identifying best practises of enforcement. This would form a basis for common enforcement strategy of the ECC.
- b) Regional cooperation agreements in relation to enforcement should also be investigated in order to highlight best practises of enforcement.
- c) Based on the two recommendations above (a & b), ECC should prepare a common enforcement strategy in order to give guidance on how to improve the efficiency of enforcement activities by the national enforcement organisations.
- d) A common form for enforcement statistics based on the experiences of benchmarking projects should be developed. This common form should be used to collect enforcement statistics yearly on a yearly basis in order to make them available on the ECO website.
- e) ECC should develop a common form for enforcement statistics based on the experiences on benchmarking projects. ECC should start collecting enforcement statistics yearly on the basis of this common form and make them available on the ECO website

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1 INTRODUCTION

A proposal to benchmark enforcement¹ activities across CEPT administrations had been agreed at the meeting of WGRA held in Copenhagen in February 2005. The background to this proposal was recognition that enforcement authorities across Europe are under increasing pressure to respond to a more rapidly developing technological, regulatory and market driven environment. This has an impact on working practises, and resources of enforcement organisations. Comparing the enforcement results and resources within CEPT is a useful indicator of enforcement activities. Reports based on this kind of exercises can be seen as a good method of sharing information and encouraging more co-operation between the national enforcement organisations.

The first questionnaire was developed by PT RA1 and circulated to CEPT administrations in September 2005. The replies to the first questionnaire were collected by the RA1 and a first report was prepared. The report set out the questions asked and the detailed responses received from 18 CEPT administrations.

This first report was endorsed by the WG RA at its meeting in October 2006. However, it was concluded that the data collected by the questionnaire was only up to and including 2004, and therefore the report should be reviewed every two years by PT RA1 with the possibility of future documents going out for public consultation. It was also decided that the agreed report would be for internal use only and would be placed on the restricted area of the ERO website.

The second questionnaire was sent out to CEPT administrations in September 2007. The replies to the questionnaire were analysed and considered by the RA1 and a draft report was produced at the beginning of 2008 based on the replies to the questionnaire. Later on the draft report was further improved and it was finalised by the September 2008 meeting of RA1 in the form of a formal ECC Report.

This second Report on Enforcement Benchmarking was approved by the WG RA meeting in September 2008 as proposed by PT RA1 for public consultation. It was agreed that the report should be made publicly available in order to give more visibility to enforcement and to the ECC efforts on making the enforcement more efficient within the CEPT countries.

The second Report on Enforcement Benchmarking was approved by WG RA in January 2009 as ECC Report 130 and was finally published on the ECO web site in January 2009.

The following action points were agreed for inclusion to an action plan by RA1 members in response to the recommendations given in Report 130:

- RA1 will continue the benchmarking project with the same questionnaire as last time but with better guidance to each question. The questionnaire will be reviewed and structured during the first two meetings of RA1 in 2009. The questionnaire will then be finalised in the third meeting, in December 2009. The questionnaire is to be sent to CEPT members at the beginning of 2010 after informing Working Group RA.
- Then the questionnaire will be sent with recommendations (a) and (b) highlighted in the covering note in order to receive as many responses as possible. The questionnaire will be sent out to all CEPT members in list A/B by ERO, the enforcement list, conformity contacts list and also directly to the representatives in RA1 and FM22.

In accordance with the action plan, RA1 began work on the questionnaire in March 2009 with the aim of producing a 3rd report on enforcement benchmarking. The questionnaire was further developed by RA1 together with a guidance document to aid the completion of the questionnaire. The questionnaire was approved at the RA1 meeting in December 2009. At this meeting it was decided to send the questionnaire to CEPT administrations during January 2010 with a deadline of 12 March 2010 for responses.

Record number of replies was received to the questionnaire; 29 from telecommunication administrations and 3 from other agencies, 32 replies altogether.

Enforcement organisations from the following countries responded to the questionnaire: Albania, Austria, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Latvia,

¹ **Enforcement means:** The range of actions and sanctions that can be used to enhance the compliance with national legislation and regulations for the purpose of achieving interference free communications for the legitimate users of the radio frequency spectrum. It includes taking action against occurred and potential sources of interference and unauthorised use and may include appropriate measures. Enforcement can include all types of investigation activities such as market surveillance, inspection of radio equipment, interference investigation and/or spectrum monitoring.

Lithuania, Luxembourg, Malta, Montenegro, The Netherlands, Norway, Poland, Romania, Serbia, Slovak Republic, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, United Kingdom. Replies from two separate organisations were received from Latvia, Luxembourg and Czech Republic.

2 ANALYSIS OF RESPONSES TO THE QUESTIONNAIRE

It should be noted that any analysis of organisations' responses should be conducted cautiously as organisations collect statistical information on their operations with different criteria and therefore some of the data collected cannot be compared without reservations. Nevertheless even taking such divergence into account the analysis provides valuable comparisons and a good overview of enforcement activities within CEPT.

The questionnaire is included in this Report as Annex 1. The explanations of country codes used in tables and charts are given in Annex 2.

2.1 Enforcement organisation

Enforcement organisations were asked for background information on their structure, type of organisation, personnel and facilities.

Question 1A – Organisation in charge of Enforcement actions within your Country

This question referred to the name and contact information of the enforcement organisation that replied the questionnaire. The names and countries of the organisations are listed in annex 3.

Question 1B – Enforcement organisation

The enforcement organisations were asked if they were government organisations or other, for example commercial organisations.

Nineteen respondents stated that they are government organisations, while ten replied as “other”. Organisations, that selected the option “other”, referred to various structures, such as Public Agency; Independent national regulatory authority (NRA); Non-Governmental communication authority and “post and telecom agency”.

Two of the respondents did not indicate whether they are “Government organisation” or “other”.

It can be concluded from the replies to this question that there is no uniform structure of the enforcement authorities within CEPT.

Question 1C – Does the enforcement organisation include regional or local offices in your country?

a) Regional Offices: The majority of the respondents, 24 answered YES, they have regional/local offices. Of those 24 organisations four had more than ten regional offices. Five respondents said NO, they do not have regional/local offices. Three organisations did not reply to this question.

Table 1: Number of regional or local offices

Enforcement organisations	Regional/local offices
5	0
2	2
2	3
5	4
2	5
2	6
1	7
1	9
2	11
1	16
1	43

Those five countries, indicating that they have no regional/local office, are mainly small countries in geographical size. Therefore, it may be interpreted that they do not need regional offices or this could also be because of limited resources for some administrations.

b) Monitoring stations: Majority of the respondents, 21 replied YES, they have monitoring stations. Of those 21 organisations six had 30 or more monitoring stations, while the rest had less than 10 monitoring stations. 8 respondents replied NO, they do not have monitoring stations. 3 organisations did not reply this question.

Table 2: Number of monitoring stations

Enforcement organisations	Monitoring stations
8	0
3	1
3	3
2	4
3	5
2	6
2	9
1	30
1	37
1	38
1	50
1	75
1	81

The result of this question gave RA1 the impression that some organisations have different opinions on the description of monitoring station. It can be assessed as a fixed monitoring station, an unattended monitoring station or mobile monitoring station.

Question 1D – Enforcement Personnel

How many employees are involved in enforcement activities in your organisation?

The summary of the replies to this question is given in Table 3 and in Table 4. Table 3 provides the number of enforcement personnel in the central offices, and Table 4 provides the number of enforcement personnel in the regional/local offices.

Table 3: Number of enforcement personnel in the central offices

Enforcement personnel in the central offices						
	Inspectors	Technical staff	Admin. staff	Managers/ HoD/Supervisor	Lawyers	Other (Support staff etc)
ALB	3	3	-	2	1	
AUT	47	27	18	10	8	16
BEL	8		6,5	7	0,25	1
HRV	7	11	1	1	3	1
CYP	1	4	0.5		0.1	2
CZE (COI)*	388/42***	18	22	20	18	
CZE (CTO)*	19	10	1	3	0	2
DNK		5	1		0.5	
EST	3	7		4	2	2
FIN	11		1	1	**	
F	6	15	3	6	3	0
D						
HNG	15	9	2	2	1	7
ISL	2	2	1	1	1	
IRL	0	5	0	1	0.5	0
LVA		20		1	1	
LVA (CRPC)*	8			1	1	
LTU	10	6		8	2	
LUX (ILR)*		1				
LUX (ILNAS)*	3	2	1	1	0	
MKD	12	13	6	5	5	
MLT		6	1	1	0.5	1
MNE	3	5	9	5	1	
HOL	48	2	4	6	3	1
NOR	2		3	1,5	1	
POL						
ROU	130	50		14	9	
SRB	5	4	2	1	0	1
SVK	6	-	1	2	0	-
S		1.5	3.5	1	0.5	
SUI	12	11	4	8	4	-
G		2	6	5	**	

* CZE (COI): Czech Trade Inspection Authority

CZE (CTO): Czech Telecommunication Office (CTO)

LVA (CRPC): Consumer Rights Protection Centre of Latvia

LUX (ILR): Institut Luxembourgeois de Régulation

LUX (ILNAS): Institut luxembourgeois de la normalisation, de l'accréditation, de la sécurité et qualité des produits et services

** Lawyers are allocated when necessary

*** 42 expert inspectors are solely involved in enforcement of 23 European ("New Approach") Directives (RTTE, EMC, Lifts, Machinery etc.). The rest of 388 inspectors are notably engaged in other activities (e.g. consumer's protection, protection of intellectual property rights etc.) but in urgent cases they can reinforce mentioned 42 expert inspectors in market surveillance activities.

The amount of personnel in different organisations varies significantly. For example some respondents mention having only one inspector, while others can have tens of even over one hundred inspectors. Organisations that have a lot of inspectors and technical and administrative staff have also many managers. The amount of personnel was not compared e.g. to the tasks of different organisations or to the geographical size of country so the reasons behind the differences in amount of personnel have not been discovered. Some respondents did not give any information on the amount of personnel in their response.

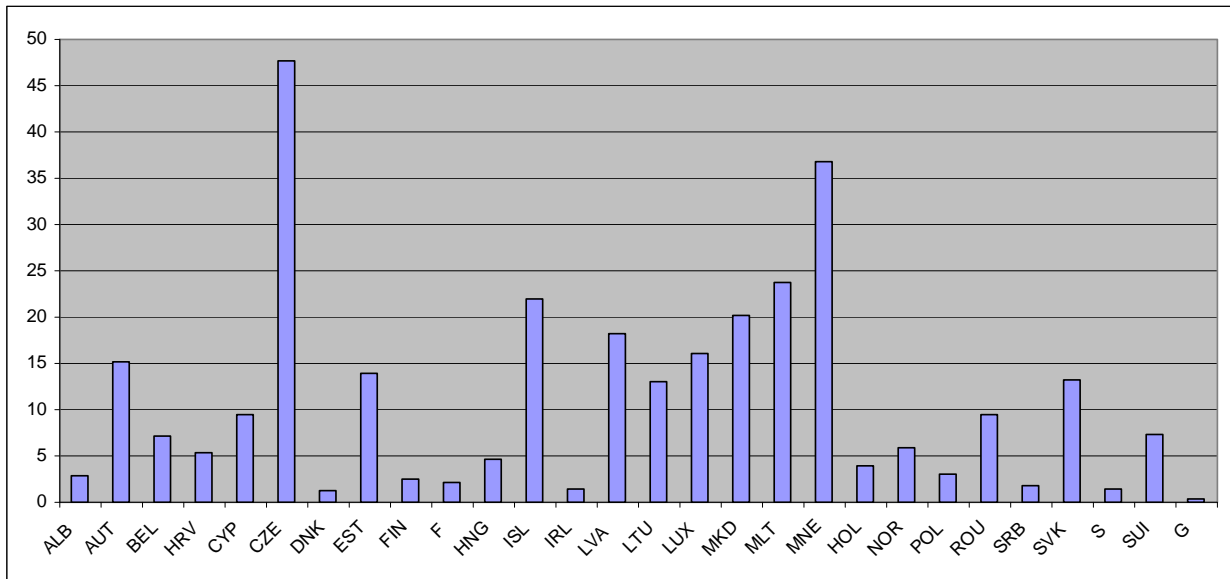
Table 4: Number of enforcement personnel in the regional/local offices

Enforcement personnel in the regional/local offices						
	Inspectors	Technical staff	Admin. Staff	Managers/ HoD/Supervisor	Lawyers	Other (Support staff etc)
ALB						
AUT						
BEL		42	0	10	0	0
HRV						
CZE (COI)						
CZE (CTO)	39	5	0	7	3	8
DNK						
EST						
FIN						
F	61	0	9	11	7	22
D						
HNG	5		2,5	2	1	
ISL						
IRL						
LVA		10				
LVA (CRPC)						
LTU	13			4		
LUX (ILR)						
LUX (ILNAS)						
MKD						
MLT						
MNE	3	5	9	5	1	
HOL						
NOR	20					
POL	50	16	16	16	16	
ROU						
SRB						
SVK	52	-	4	6	0	-
S	7					
SUI	14	-	-	3	-	-
G	3	3	3	3		

While 24 organisations mentioned having regional/local offices, only 12 included information on the amount of personnel of regional/local offices in their responses. Among those who gave the information it seems that regional/local offices have also administrative staff, managers and lawyers in addition to the inspectors and technical staff in same proportion as in central offices.

Chart 1 below shows the total number of enforcement personnel per country in relation with the population. The chart should be interpreted with reservation of organisations having different tasks (see table 8) and other variations of factors affecting the need for personnel resources. It should also be noted that the enforcement organisations need to have a minimum amount of personnel for basic operations despite the size of country and therefore the small countries might emerge in the chart as having high personnel numbers per 1 million of population and big countries seem to have lower numbers.

Chart 1: Enforcement personnel per 1 million of population²



Question 1E – Access to testing facilities

This question is mainly related to the testing facilities owned by each enforcement authority. Almost half (15) of the respondents have in-house testing facilities. Seven of these are also available to other enforcement organisations and four to third parties. Seven respondents have accredited testing facilities.

Table 5 below gives the summary of the replies to this question.

² Germany did not provide personnel numbers so it is not included in the chart.

Table 5: Access to testing facilities

	Does your organisation have its own testing facilities?	How many testing facilities?	What kind of testing facilities do you have?	Only used by your organisation?	Available to other enforcement organisations? (Non commercial)	Available to 3rd parties? (commercial)	Accredited?	How many tests does your organisation perform/commission each year?
ALB	No	-	-	-	-	-	-	-
AUT	NO	--	--	--	NO	NO	NO	--
BEL	YES	1	Simple radio laboratory	YES	NO	NO	NO	variable (in 2009: 3)
HRV	No	-	-	-	-	-	-	0
CYP	No							
CZE (COI)	No							
CZE (CTO)	No							
DNK	No							
EST	No							
FIN	No							49 equipments were tested by a commercial laboratory in 2009.
F	No							155 in 2009
D	YES	Kolberg Test Laboratory	EMC and RF accredited	NO	YES	NO	By DAkkS	Ca. 700
HNG	YES	1	Testing Laboratory	YES	NO	NO	YES	700 in 2009
ISL	Yes	1	Not accredited	Yes	Yes	No	No	0-2
IRL	No	0						
LVA	Yes	1	EMC conducted emission test laboratory	Yes	Yes	Yes	No	
LVA (CRPC)	No							
LTU	Yes	2	Anechoic Chamber, Open Area Test Site OATS for EMC	Yes	Available on contract basis	Available on contract basis	2	1166 in 2008 687 in 2009
LUX (ILR)								
LUX (ILNAS)	Yes	1	Safety and EMC	Yes	Yes	No	No	40
MKD	No							
MLT	Yes	1	Spectrum monitoring Interference investigation EMF measurements	Yes	No	No	No	Approx 500

MNE	No							
HOL	Yes	2	EMC/R&TTE testing facility one open Area Test Site	Yes	Yes	No	No	Around 180
NOR	Yes	1	Electronic communications laboratory	No	Yes	Yes	Yes	30
POL	Yes	1	Accredited laboratory	Yes	No	No	AB 245	380
ROU	Yes		Pretesting	Yes				
SRB	Yes	13	Field-Strength Meter, spectrum analyser, video analyser, oscilloscope, DF system	Yes	No	No	Yes	
SVK	No							
S	No							
SUI	Yes	2	R&TTE and EMC	Yes	No	No		250
G	Yes	2	Laboratory at the radio station & a mobile laboratory	Yes	No	Yes	Yes	Between 1 and 7

Twelve organisations have testing facilities of their own, fourteen do not have any and two organisations did not respond to this question at all. Four organisations mentioned having accredited testing facilities. Only two of the organisations not having testing facilities of their own mentioned that they have requested testing by e.g. a commercial laboratory. Among organisations that have in-house testing facilities the amount of tests per year varies from zero to over one thousand tests per year.

Question 1F – Testing by or for your organisation

What type of tests does your organisation perform or are performed on your behalf?

The following types of tests were referred to in the replies. This was an open question and therefore similar type of tests has been described with different terms. Some of the terms used may mean similar type of testing, but any background information for the terms used by respondents was not requested in the questionnaire.

The total number of results is greater than the number of replies. This is because more than one type of test was given in most of the replies. Types of tests described by organisations are not exclusionary but for example R&TTE conformity tests and market surveillance can mean same kind of testing. One organisation referred to technical inspection instead of testing.

Table 6: Type of tests indicated in the responses

Type of test	Enforcement organisations
R&TTE conformity tests	9
EMC tests	8
Market surveillance	7
Interference investigation	4
Technical tests, propagation analysis	3
Spectrum monitoring	3
SAR (Radiation hazard) testing	2
Emission & immunity testing	2
Noise measurement	1
Spectrum usage test	1
Signal source tracking	1

No response to this question was received from 12 organisations.

2.2 Enforcement activities

Question 2A – Type of enforcement activities

For what type of activities is your enforcement organisation responsible?

Almost all of the respondents mentioned that they are responsible for action against illegal and/or unlicensed use of radio equipment, investigating interference, on-site inspections of radio installations and R&TTE market surveillance. The majority of organisations are also responsible for EMC market surveillance. Twelve administrations also have other tasks such as responsibilities concerning EMF.

Table 7: Types of enforcement activities

Types of activities	Number of organisations referred to these activities
Action against illegal and/or unlicensed use of radio equipment	29
Investigating interference to business radio systems	29
Investigating interference to licence exempt systems	28
Investigating interference to TV and broadcast radio receivers	27
On-site inspection of radio installations	27
EMC Market Surveillance 2004/108/EC or equivalent national regulation	19
R&TTE Market Surveillance 1999/5/EC or equivalent national regulation	27
Other (EMF etc)	12

Table 8: Enforcement activities per country

Enforcement activities								
	Action against illegal and/or unlicensed use of radio equipment	Investigating interference to business radio systems	Investigating interference to licence exempt systems	Investigating interference to TV and broadcast radio receivers	On-site inspection of radio installations	EMC Market Surveillance 2004/108/EC or equivalent national regulation	R&TTE Market Surveillance 1999/5/EC or equivalent national regulation	Other (EMF etc)
ALB	✓	✓	✓		✓	✓	✓	
AUT	✓	✓	✓	✓	✓		✓	✓
BEL	✓	✓	✓	✓	✓		✓	
HRV	✓	✓	✓	✓	✓		✓	✓
CYP	✓	✓	✓	✓	✓		✓	
CZE (COI)						✓	✓	
CZE (CTO)	✓	✓	✓	✓	✓			
DNK	✓	✓	✓	✓	✓	✓	✓	✓
EST	✓	✓	✓	✓	✓	✓	✓	
FIN	✓	✓	✓	✓	✓		✓	
F	✓	✓	✓	✓	✓		✓	✓
D	✓	✓	✓	✓	✓	✓	✓	✓
HNG	✓	✓	✓	✓	✓	✓	✓	✓
ISL	✓	✓	✓	✓	✓		✓	
IRL	✓	✓	✓	✓	✓	✓	✓	
LVA	✓	✓	✓	✓				
LVA (CRPC)						✓	✓	
LTU	✓	✓	✓	✓	✓	✓	✓	
LUX (ILR)	✓	✓	✓	✓	✓			
LUX (ILNAS)						✓	✓	✓
MKD	✓	✓	✓	✓	✓	✓	✓	
MLT	✓	✓	✓	✓	✓			✓
MNE	✓	✓	✓	✓	✓			
HOL	✓	✓	✓	✓	✓	✓	✓	✓
NOR	✓	✓	✓	✓	✓	✓	✓	✓
POL	✓	✓	✓	✓	✓	✓	✓	
ROU	✓	✓	✓	✓	✓	✓	✓	✓
SRB	✓	✓	✓	✓	✓	✓	✓	
SVK	✓	✓	✓	✓	✓	✓	✓	✓
S	✓	✓	✓		✓		✓	
SUI	✓	✓	✓	✓	✓	✓	✓	
G	✓	✓	✓	✓		✓	✓	✓

The information in the table is a good indication of activities of an organisation. Some tasks listed in the questionnaire - typically EMC and EMF matters - can be under the responsibility of some other national organisation that did not have a possibility to respond to the questionnaire.

Three organisations made the following remarks:

1. The Belgian administration is partly responsible for EMC.
2. In Croatia, R&TTE market regulation includes import licence and placing on the market.
3. OFCOM – UK is also involved in the satellite, space exploration and research, military and emerging technology areas.

Question 2B – Enforcement cases in 2008 and 2009

How many enforcement cases did your organisation perform in 2008 and 2009?

Most organisations perform actions against illegal use of radio equipment, interference investigation, on-site inspections and R&TTE market surveillance. When the numbers of cases concerning these four main tasks are compared it can be seen that the most common case of enforcement is on-site inspection of radio installations. Of all cases included in these four main categories over 40 % are on-site inspections. Interference investigation and market surveillance both cover a bit over quarter of all cases in these four main categories.

However the dispersion concerning numbers of cases is from less than ten even up to thousands of cases. The analysis cannot unfortunately give sufficient reasons to this kind of differences because such questions were not included in the questionnaire.

The summary of the replies for this question is given in Table 9 (for year 2008) and in Table 10 (for year 2009).

Table 9: Enforcement cases performed in 2008

Enforcement cases 2008										
	Action against illegal and/or unlicensed use of radio equipment	Investigating interference to business radio systems	Investigating interference to licence exempt systems	Investigating interference to TV and broadcast radio receivers	On-site inspection of radio installations	EMC Market Surveillance administrative check	EMC Market Surveillance technical test	R&TTE Market Surveillance administrative check	R&TTE Market Surveillance technical test	Other
ALB	5	1	-	-	14		-	-	-	
AUT	993	325	n.a.	139	6099	--	--	296	47/8 1)	47
BEL	100	39	116	230	964	-	-	>2500		
HRV	5	83		176	907	-	-	3762	-	
CYP	21	10		30	65			123		
CZE (COI)						548	11	114	56	
CZE (CTO)	65	195	15	2323 (Start of DVB-T)		414				
DNK	-	36	17	-	-	1762	-	245	-	-
EST	8	12	10	43	-	300		1233	1	110
FIN	10	28	28	48	82			289	40	
F	207	227	82 (1)	721	4300	Not concerned	Not concerned	325	68	
D				2657	3238	4851	1222	1205	271	
HNG	24	56	10	160	19 Radio 70 TV 901Other	59	130 (59 types)	168	530 (168 types)	403
ISL	3	6	3	9	2			65		
IRL	9	35	9	29	25	20	18	50	8	48
LVA	16	43	5	59	49					
LVA (CRP C)								73		
LTU	No data	45	No data	141	360	40	18	273	35	
LUX (ILR)		6	9	7						
LUX (ILN AS)						335	40	426	5	5
MKD	28	39		13						
MLT	3	22	13	19	267			71		153

MNE	195	22		22	195					
HOL	580	265	35	136	1284	80	100	80	100	-
NOR	6	107	49	130	23	4	2	42	22	62
POL	175	978	-	629	2023	3032	487 (together with RTTE)	1035	487 (together with EMC)	
ROU	163	33	152	29	2050	542		2735		
SRB	22	224	18	541	640			1		
SVK	6	143	8	371	749	16		105		2
S	5	155	5		45			52	52	
SUI	252	150*	29	94	296	-	-	248		
G	525	310	1	1398	16	4	3	35		-
Total	3426	3595	614	10154	24683	12007	2031	15551	1722	830

Table 10: Enforcement cases performed in 2009

Enforcement cases 2009										
	Action against illegal and/or unlicensed use of radio equipment	Investigating interference to business radio systems	Investigating interference to exempt systems	Investigating interference to TV and broadcast radio receivers	On-site inspection of radio installations	EMC Market Surveillance administrative check	EMC Market Surveillance technical test	R&TTE Market Surveillance administrative check	R&TTE Market Surveillance Technical test	Other
ALB	14	4	-	-	27		-	-	-	
AUT	956	291	n.a.	81	6373	--	--	263	30/31)	141
BEL	79	24	101	188	999	-	-	>2500	3	
HRV	53	136		246	312	-	-	3497	-	
CYP	52	12	0	42	70			149	7	
CZE (COI)						674	6	95	48	
CZE (CTO)	60	208	9	1403	621					56
DNK	-	118	6	-	-	6336	-	396	-	-
EST	15	13	19	70*	-	450		1559	1	128
FIN	13	24	23	49	130			331	49	
F	399	312	82 (2)	606	4927	Not concerned	Not concerned	700	155	
D				2662	3500	1810	1202	1076	301	
HNG	31	76	16	140	15 Radio	1 TV	460 Other	69	150 (69 types)	403
ISL	6	5	2	10	5			45	0	
IRL	7	29	7	35	27	7	2	60	19	43
LVA	24	69	4	31	42				-	-
LVA (CRP C)								2		
LTU	94	68	25	102	320	36	16	204	26	
LUX		16	12	7						

(ILR)										
LUX (ILN AS)						322	25	218	6	6
MKD	91	84		5	33					
MLT	0	18	3	13	197			49	0	125
MNE	247	73		73	247					
HOL	478	211	16	125	1483	182	120	100	100	-
NOR	23	77	43	109	93	1	0	27	22	106
POL	21	1024	-	520	2944	2473	427 (together with RTTE)	1069	427 (together with EMC)	
ROU	163	33	152	29	2050	542		2735		
SRB	40	176	6	560	1011			2		
SVK	5	117	14	139	707	2	0	107		4
S	5	155	5		45			52	52	
SUI	280	167*	25	60	310	-	-	230		
G	456	275	2	906	95	14	11	45		-
Total	3612	3815	572	8211	26583	12850	2285	15578	1397	1012

As can be seen from Table 11 below, in general the enforcement activities in the countries responded did not change in 2008 and 2009, except for interference investigation activities for TV and broadcast radio receivers which decreased by 20% from 2008 to 2009. The reason for this decrease can not be explained.

Table 11: Comparison of enforcement activities performed in 2008 and 2009

Types of enforcement activities	2008	2009
Action against illegal and/or unlicensed use of radio Equipment	3426	3612
Investigating interference to business radio systems	3595	3815
Investigating interference to licence exempt systems	614	572
Investigating interference to TV and broadcast radio receivers	10154	8211
On-site inspection of radio installations	24683	26583
EMC Market Surveillance administrative check	12007	12850
EMC Market Surveillance technical test	2031	2285
R&TTE Market Surveillance administrative check	15551	15578
R&TTE Market Surveillance technical test	1722	1397
Other	830	1012
Total number of enforcement activities	74613	75915

Question 2C – Financing enforcement activities

How are your enforcement-activities financed?

All enforcement organisations responded that enforcement is financed either by the State or by licence holders. Table 12 shows that EMC market surveillance and other, e.g. tasks related to EMF are usually financed by the State. Interference investigations concerning licence exempt systems and broadcast receiving are bit more often financed by the State than licence holders. Regarding every other type of enforcement activity the source of finance is not strongly related to activity.

Table 12: Financing of enforcement

Type of enforcement activities	Financed by the State, % of organisations	Financed by Licence holders, % of organisations
Action against illegal and/or unlicensed use of radio equipment	55	45
Investigating interference to business radio systems	50	50
Investigating interference to licence exempt systems	62	38
Investigating interference to TV and broadcast radio receivers	62	38
On-site inspections of radio installations	50	50
EMC Market Surveillance 2004/108/EC or equivalent national regulation	78	22
R&TTE Market Surveillance 1999/5/EC or equivalent national regulation	57	43
Other	86	14

2.3 Intervention

Question 3A – Actions

What are the possible interventions in case of non-compliance with regulations?

This was an open question. A number of organisations described their intervention processes in details while some others listed intervention possibilities simply as terms. The terminology used varied very much and therefore it is not possible to divide the responses to any clear categories. Some of the types of intervention clearly refer to a similar result. For example "sales ban" and "withdrawal of equipment from market" can be understood to mean same kind of intervention. In some cases such as "monitoring" and "inspection" the same action can trigger intervention or follow some other action as intervention. Phrases such as "Orders" and "Summoning" however, do not have such a clear meaning in this context. Unfortunately these responses were not backed up by any definition or further explanation.

Following types of interventions were mentioned in the replies:

Table 13: Types of interventions mentioned in responses

Types of interventions	Number of organisations referred to these interventions
Warning	24
Licence revocation	24
Fines	19
Prosecution	15
Information	14
Guidance	10
Sales ban	9
Prohibition	5
Withdrawal of equipment from market	4
Seize of equipment	3
Suspension of frequency authorisation	3
Orders	3
Judicial penalty, jail via court	2
Overrun penalty	2
Inspection	2
Remedial measure	2
Restriction to free movement of equipment	1
Frequency reservation	1
Import ban	1
Summoning	1
Tax notification	1
Offence report	1
Revocation of id. codes and numbers	1
Monitoring	1
Confiscation	1

Several organisations mentioned that even though it is possible to prosecute in case of non-compliance with regulations they avoid prosecutions and try to solve problems rather by information, warning letters and administrative decisions. In cases of illegal use of radio equipment many organisations mentioned licence revocations and confiscations as possible interventions. Regarding market surveillance cases sales ban and ways of withdraw products from the market were commonly mentioned. None of the respondents reported not having any means of intervention at their disposal in case of non-compliance with regulations.

Question 3B – Sanctions

Is your enforcement organisation fully responsible for taking appropriate actions in case of non-compliance with regulations?

Nineteen organisations replied “Yes” to this question while the other twelve indicated that they have shared responsibility for sanctions.

The following additional information was given by some organisations:

- For cases in which we need assistance, police or task authority is asked for help – 2 organisations
- The regulatory authority seizes the equipment. Public prosecutors or court proceedings may give judicial penalties – 4 organisations
- Minor fines and minor offences are applied by the regulatory authority, while major ones are applied by independent legal firms or by the court – 4 organisations
- Shared with national authority for consumer protection

Question 3C – Enforcement action taken

The results show that warning letters and informal warnings are the most common enforcement action taken in case of non conformities found in R&TTE market surveillance and also in cases of illegal use of radio transmitters and other cases other than market surveillance. In total over 3500 of below listed enforcement actions are taken yearly in R&TTE market surveillance and over 7000 in cases other than market surveillance.

The summary of the replies to this question is given in Tables 14-17.

Table 14: Enforcement actions taken in 2008 resulting from market surveillance

Enforcement actions - R&TTE market surveillance 2008					
	R&TTE prosecutions	R&TTE warning letters	R&TTE informal warnings	R&TTE fixed penalty fines	EMC non compliance actions
ALB					
AUT	No info	No info	No info	No info	No info
BEL	647		About 200	0	
HRV	-	-	-	-	-
CYP	0	17	64	0	
CZE (COI)	21	Not registered	0	46	9
CZE (CTO)					
DNK	No statistics available	-	-	-	-
EST	-	110	-	1	
FIN	0	23	57	0	n/a
F	29	195	130	0	Not involved
D					
HNG					3
ISL	0	0	4	0	N/A
IRL	0	6	10	0	1
LVA					
LVA (CRPC)	3	-	14	3	-
LTU	26	85	96	0	4
LUX (ILR)					
LUX (ILNAS)	0	257	7	0	2
MKD					
MLT	0	1	0	0	
MNE					
HOL	5	1	12	5	3
NOR	0	33	0	0	0
POL	215	215		6	493
ROU	290	185			24
SRB		1			
SVK	-	132	-	-	8
S					

SUI	146	136		10	-
G	8	74	n/a	n/a	0

Table 15: Enforcement actions taken in 2008 resulting from issues other than market surveillance

Enforcement actions - other than market surveillance, e.g. unlicensed use 2008					
	Total number of prosecutions	Total number of warning letters	Total number of informal warnings	Total number of fixed penalty fines	Total number of other sanctions
ALB	-	2	5	1	
AUT	No info	No info	No info	No info	No info
BEL	100	13			
HRV	-	-	-	-	-
CYP	3	144	375	0	17
CZE (COI)					
CZE (CTO)	-	213	cca 300	59	
DNK	No statistics available	-	-	-	-
EST	-	12	8	-	
FIN					10
F	13	462	Not relevant	275	
D					
HNG		25	30	1	
ISL	0	0	0	0	
IRL	5	23	39	0	3
LVA	We haven't statistics	We haven't statistics	We haven't statistics	We haven't statistics	
LVA (CRPC)					
LTU	2	89	N/A	2	0
LUX (ILR)	0	4	0		
LUX (ILNAS)					
MKD	35				6
MLT					
MNE					
HOL	295	446	619	608	
NOR	0	12	28	0	30
POL	158	266	-	162 (admin. decision)	-
ROU	176	111		8	
SRB	29	307	444	29	18
SVK	-	699	-	154	-
S	-	-	5	-	-

SUI	215	51	38	126	
G	28	87	n/a	n/a	

Other penalties:

The Netherlands: Sales ban and recall-obligation regarding one specific type of mobile telephone due to non conformity with the SAR limits

Table 16: Enforcement actions taken in 2009 resulting from market surveillance

Enforcement actions - R&TTE market surveillance 2009					
	R&TTE prosecutions	R&TTE warning letters	R&TTE informal warnings	R&TTE fixed penalty fines	EMC non compliance actions
ALB					
AUT	No info	No info	No info	No info	No info
BEL	409		About 200	0	
HRV	-	-	-	-	-
CYP	0	29	88	0	
CZE (COI)	16	Not registered	0	41	11
CZE (CTO)					
DNK	No statistics available	-	-	-	-
EST	-	105	-	-	
FIN	0	28	69	0	n/a
F	17→ 27 (10 still under process)	328	371	3	Not involved
D					
HNG					8
ISL	0	0	5	0	N/A
IRL	0	4	20	0	1
LVA					
LVA (CRPC)	2	-	-	2	-
LTU	22	71	72	0	6
LUX (ILR)					
LUX (ILNAS)	0	127	4	0	4
MKD					
MLT	0	1	0	0	
MNE					
HOL	8	0	15	7	2
NOR	0	19	0	0	0
POL	171	171		15	159
ROU	60	157		5	1
SRB		2			

SVK	-	80	-	-	2
S					
SUI	121	113	-	8	-
G	0	29	n/a	n/a	53

Table 17: Enforcement actions taken in 2009 resulting from issues other than market surveillance

Enforcement actions - other than market surveillance, e.g. unlicensed use 2009					
	Total number of prosecutions	Total number of warning letters	Total number of informal warnings	Total number of fixed penalty fines	Total number of other sanctions
ALB	-	2	5	1	
AUT	No info	No info	No info	No info	No info
BEL	79	7			
HRV	2	51	9	2	2
CYP	0	103	342	0	11
CZE (COI)					
CZE (CTO)		285	cca 300	52	
DNK	No statistics available	-	-	-	-
EST	-	2	13	-	
FIN					13
F	0	914	Not relevant	421	
D					
HNG		165	15		
ISL	0	0	0	0	
IRL	4	19	46	0	2
LVA	We haven't statistics	We haven't statistics	We haven't statistics	We haven't statistics	
LVA (CRPC)					
LTU	4	154	N/A	2	0
LUX (ILR)	0	7	2		
LUX (ILNAS)					
MKD	151	2			27
MLT					
MNE		69			
HOL	338	767	566	1266	
NOR	0	20	35	1	18
POL	139	172	-	144 (admin. decision)	-
ROU	154	101			

SRB	51	278	941	51	65
SVK	-	1294	-	104	-
S	-	1	7	-	-
SUI	282	119	35	128	-
G	33	184	n/a	n/a	

Other penalties: None

If the numbers of enforcement actions taken are compared to the total numbers of enforcement cases as listed in question 2B it can be found that in both years 2008 and 2009 approximately 20 % of cases of R&TTE market surveillance and 17 % of cases other than market surveillance led to some of the enforcement actions listed above.

2.4 Enforceability

Question 4A – Enforceability of Regulations

Is your enforcement organisation involved in checking the enforceability of a proposed Regulation for the use of a radio or terminal equipment?

Twenty five organisations replied “Yes”, three said “No” and four did not reply to this question, which means that checking the enforceability of the regulations is being performed by the enforcement organisations in the majority of the CEPT countries.

In addition, those organisations who replied “Yes” to this question provided the following additional information on the level of involvement: Regulation/General decision (7 organisations), advice (6 organisations), advice and decision (5 organisations), consultation (2 organisations), checking the enforceability (2 organisations).

Question 4B – Enforcement criteria

What criteria is your Enforcement activities based upon?

Following criteria were referred to by the respondents:

- Illegal/Unlicensed use of radio equipment (Complaints, customs/police seizure, monitoring, active measures, irregularities, interference occurrence) – 13 organisations
- Market surveillance (Interference, non-complaint equipment, refused notification, random checks, routine checks, proactive measures, fair competition) – 10 organisations
- Risk based management (interference risk) – 9 organisations
- Warnings, fines, penalties – 7 organisations
- On-site inspections, random checks – 6 organisations
- Criteria are defined by law or national regulation – 7 organisations
- Informal contacts – 1 organisation
- Database based checks – 1 organisation

This question was asked to allow organisations to state their reasons for being active in their chosen areas of enforcement. The responses showed complaints to be the main reason for enforcement actions. However organisations also worked on a risk based rationale.

2.5 Multilateral/bilateral agreements

Question 5A – Agreements

Does your enforcement organisation have (bilateral) agreements with foreign enforcement agencies?

Totally 23 organisations replied “No” while 9 organisations said “Yes”.

Those organisations who replied “Yes” indicated the relevant agreements as follows:

- SAT MoU (MoU on Satellite Monitoring signed by a number of CEPT countries) – 5 organisations
- Sharing of HF direction finder equipment – 4 organisations (Monitoring activities)
- Cross border agreements with the neighbours - 3 organisations (e.g. mutual assistance regarding spectrum monitoring and on the use of vehicles across the border)
- Cross border sharing of monitoring facilities - 3 organisations (e.g. contract on leasing a special monitoring vehicle and its operator)
- Exchange of practises – 1 organisation (e.g. market surveillance activities)
- Special event cooperation – 1 organisation (e.g. Tour de France)

Question 5B – CEPT cooperation

What is your view on CEPT (Enforcement) co-operation at present and in the future?

Following comments were made by a number of organisations:

- Enhancement of CEPT co-operation in the field of enforcement is very important and should be improved (6 organisations).
- Cooperation in the field of interference resolution is important (2 organisations).
- Participation of the other administrations in the work of RA1 will increase the effectiveness of the CEPT co-operation for enforcement. If it is not possible to attend the meetings, correspondence or e-mail reflector facilities should be used.
- RA1 is very well organising the CEPT co-operation, therefore the status of RA1 should be upgraded to working group level.
- Non-obligatory cooperation can be established.
- The cooperation would be better established within the EC legislative framework.

Comments or extra information you wish to add:

Following additional comments were made by single organisations:

- Enforcement activities should be harmonised Europe-wide.
- Co-operation is taking place for the implementation of R&TTE and EMC.
- RA1 and ADCO R&TTE are overlapping. Merger of these two groups is recommended for common/harmonised enforcement approach in Europe.
- Genuine collaboration is essential. Groups should stick to their own merit.
- One organisation proposes to work on a completely new report on enforcement which could be jointly composed by RA1 and FM22. This organisation also indicated a possible overlap of work of RA1 and other groups such as ADCO R&TTE and FM22. Duplication of work should be minimised.

3 CONCLUSIONS

The interest for co-operation within the field of enforcement seems to be increasing as the number of responses to the present enforcement benchmarking questionnaire almost doubled in comparison with the previous one. This would indicate that CEPT administrations are willing to work together to define and support a common enforcement strategy within CEPT.

The following conclusions were drawn from analysis of the responses to the questionnaire:

The objectives and tasks of enforcement organisations can be considered quite similar within CEPT. The most common tasks are actions against illegal or unlicensed use of radio equipment, interference investigations, on-site inspections of radio installations and market surveillance of radio and telecommunications terminal equipment. Regarding other tasks, such as EMC market surveillance or in-house testing, some differences can be seen.

It is clear that some questions caused confusion to some administrations. It proved difficult to understand what details were required in some questions, while it was difficult to understand the distinction between others. For example; Questions 1A and 1B are both related to the enforcement organisation, and since a clear distinction was not made, some respondents mixed these two questions in their responses.

It can be seen from the responses that, the Government organisations usually take charge of most aspects of radio enforcement, such as on-site inspections, monitoring and illegal use, while agencies and organisations take charge of the issues which could be considered commercial, such as testing and monitoring.

The number and the background of the enforcement staff of various administrations differ quite substantially. In some enforcement organisations the number of the technical staff is more than in others. These differences should be explored in order to better understand the rationale behind the staffing policy in different organisations or administrations.

The geographical structure of an organisation can also influence its activities. 5 responses indicated that they have only one central office, but no regional/local offices. It can be estimated that organisations with geographically spread staff can respond to issues faster than those with centrally located staff. Organisations with centrally located offices may benefit financially from maintaining fewer offices however. A wide distribution of staff allows not only swift access to most locations, but also wider coverage when performing national campaigns. A centrally located organisation in a large country will need to plan a systematic campaign travelling around all national regions. This can lead to a lack of local knowledge which can put enforcement authorities at a disadvantage.

Financing of the enforcement activities does not seem to have any specific policy within CEPT members. The source of finance is not related to specific activities. It is related to the financing of the responding organisation in general.

Despite of common objectives related to interference free radio communications, methods of intervention to non-conformities vary significantly. Common procedures or terminology does not exist most likely due to both cultural and legislative differences. Great variations can be seen both in process descriptions concerning interventions and statistics concerning enforcement cases and actions taken.

The lack of a common statistical basis is obvious. During benchmarking projects it has been possible to collect comparable data but it is not clear whether the questions and statistic categories are understood uniformly across different organisations. A simple common CEPT statistic of enforcement would be useful and could be created on the basis of information and experience regarding the benchmarking reports.

The category of on-site inspections can be understood to cover both fixed installations and mobile equipment e.g. in special events. Process of inspections in special events has already been described by RA1 in ECC Report 44, Guidance for Radio Usage at Special Events. So far though, no specific statistics concerning inspections during special events have been collected. Thus, a clear picture of these kinds of activities in different countries does not exist.

Many respondents described the processes concerning interventions in case of non-conformity to regulations. Even though results of these kinds of open questions are not easy to summarise and analyse, sharing process descriptions is very useful when composing a general view on enforcement procedures applied in CEPT countries. The nature of interference cases vary from country to country due to national situations and processes. In future, descriptions concerning interference resolutions and on-site inspections should be more widely shared between enforcement organisations.

Only few of the organisations reported having bilateral or regional agreements or other forms of co-operation with neighbouring countries. These forms of co-operation should be investigated in more detail, since the enhancement of co-

operation is regarded to be very useful. The work of RA1 is seen necessary and increased co-operation between CEPT administrations would be favoured by many respondents. Concerns were raised however over possible overlapping of workload with ADCO/R&TTE and PT FM22. Respondents felt that possibilities of taking an enforcement view into account when preparing ECC Deliverables should be further improved.

4 RECOMMENDATIONS

CEPT administrations are expected to enforce the regulations provided in ECC Decisions and Recommendations which they have implemented at national level. In practise, this can lead to some difficulties for CEPT administrations when enforcement issues have not been considered at the drafting stage, where they need to be properly taken into account.

In order to achieve this, it is recommended that:

- a. Based on the benchmarking report ECC should initiate a new work item for identifying best practises of enforcement. This would form a basis for common enforcement strategy of the ECC.
- b. Regional cooperation agreements in relation to enforcement should also be investigated in order to highlight best practises of enforcement.
- c. Based on the two recommendations above (a & b), ECC should prepare a common enforcement strategy in order to give guidance on how to improve the efficiency of enforcement activities by the national enforcement organisations.
- d. A common form for enforcement statistics based on the experiences of benchmarking projects should be developed. This common form should be used to collect enforcement statistics yearly on a yearly basis in order to make them available on the ECO website.

ANNEX 1 : QUESTIONNAIRE

Questionnaire on benchmarking of CEPT Enforcement* Authorities

Please complete the questionnaire and return to ECO (yurdal@ero.dk) by 12th March 2010.

Country :

Administration :

1. Enforcement organisation

If more than one organisation is involved please submit one form per organisation

Question 1A – Organisation in charge of Enforcement actions within your Country

Contact information

Name of Organisation	
Area/s of responsibility	
P.O. Box or address	
City	
Country	
Telephone	
Fax	
Website	
Contact Telephone: Email address:	

***) Definition from ECC Report on Enforcement nr.15**

Enforcement means: The range of actions and sanctions that can be used to enhance the compliance with national legislation and regulations for the purpose of achieving interference free communications for the legitimate users of the radio frequency spectrum. It includes taking action against occurred and potential sources of interference and unauthorised use and may include appropriate measures. Enforcement can include all types of investigation activities such as market surveillance, inspection of radio equipment, interference investigation and/or spectrum monitoring.

Enforcement could include investigation activities such as;

- Market surveillance
- Inspection of radio equipment
- Spectrum monitoring.
- Interference investigation
- EMF or other radio related activities

Question 1B – Enforcement organisation

Your organisation is (please tick box)

<input type="checkbox"/>	A Government organisation
<input type="checkbox"/>	Other (Please see guidance in the end of questionnaire and specify below)
Remarks*	

*) Could you provide a brief description of your enforcement organisation?

Question 1C – Does the enforcement organisation include regional or local offices in your country?

<input type="checkbox"/>	No	
<input type="checkbox"/>	Yes	How many:
If yes, please briefly describe the location of these regional/local offices (see guidance)		
	Monitoring stations (non staffed)	
<input type="checkbox"/>	No	
<input type="checkbox"/>	Yes	How many:

Question 1D – Enforcement Personnel**How many employees involved in enforcement activities in your organisation?**

	National	Local (if relevant)
Inspectors		
Technical staff (See guidance)		
Administrative staff		
Managers/Head of department/Supervisor		
Lawyers		
Other (Support staff etc)		
Remarks:		

Question 1E – Access to testing facilities

Does your organisation have its own testing Facilities - Yes/No	
How many testing facilities?	
What kind of testing facilities do you have?	
Only used by your organisation?	
Available to other enforcement organisations? (Non commercial)	
Available to 3rd parties? (commercial)	
Accredited (Attach copy of certificates)	
How many tests does your organisation perform/commission each year?	

Question 1F – Testing by or for your organisation

What type of tests does your organisation perform or are performed on your behalf?
Technical studies, propagation, Market surveillance etc.

2. Enforcement activities

Question 2A – Type of enforcement activities	
For what type of activities is your enforcement organisation responsible? (Please tick box)	
Tick	Activity
<input type="checkbox"/>	Action against illegal and/or unlicensed use of radio equipment
<input type="checkbox"/>	Investigating interference to business radio systems
<input type="checkbox"/>	Investigating interference to licence exempt systems
<input type="checkbox"/>	Investigating interference to TV and broadcast radio receivers
<input type="checkbox"/>	On-site inspections of radio installations
<input type="checkbox"/>	EMC Market Surveillance 2004/108/EC or equivalent national regulation
<input type="checkbox"/>	R&TTE Market Surveillance 1999/5/EC or equivalent national regulation
<input type="checkbox"/>	Other (EMF etc)
Remarks	

Question 2B – Enforcement cases in 2008 and 2009		
How many enforcement cases did your organisation perform in 2008 and 2009?		
Type of enforcement activity	2008	2009
Total action against illegal and/or unlicensed use of radio equipment		
Total investigating interference to business radio systems		
Total investigating interference to licence exempt systems		
Total investigating interference to TV and broadcast radio receivers		
Total on-site inspections of radio installations		
Total EMC Market Surveillance (Administrative check)*		
Total EMC Market Surveillance (Technical test)**		
Total R&TTE Market Surveillance (Administrative check)*		
Total R&TTE Market Surveillance (Technical test)**		
Other		
Remarks (If necessary please describe method of reporting)		

*Administrative check = Product type checked for administrative compliance
 **Technical test = Performed by technically trained staff, eg laboratory tests

Question 2C – Financing enforcement activities			
How are your enforcement-activities financed? (Please tick box where applicable)			
Type of enforcement activities	By the State	By Licence holders	Other bodies *)
Action against illegal and/or unlicensed use of radio equipment			
Investigating interference to business radio systems			
Investigating interference to licence exempt systems			
Investigating interference to TV and broadcast radio receivers			
On-site inspections of radio installations			
EMC Market Surveillance 2004/108/EC or equivalent national regulation			
R&TTE Market Surveillance 1999/5/EC or equivalent national regulation			
Other			

*) please specify the relevant bodies

3. Intervention

Question 3A – Actions

What are the possible interventions in case of non-compliance with regulations?

Please describe (E.g.; Information, Guidance, Warnings, Prosecution, Revocation etc)

Question 3B – Sanctions

Is your enforcement organisation fully responsible for taking appropriate actions in case of non-compliance with regulations? (Sanctions, such as prosecutions, penalties, fines etc.)

Yes

No

Shared

In case of common responsibilities, please describe briefly the cooperation with the other organisations

Question 3C – Enforcement action taken

Please indicate numbers where applicable:

Total number of actions taken for all categories of radio/terminal equipment

Enforcement action taken – Market surveillance

Activity	2008	2009
R&TTE prosecutions		
R&TTE warning letters		
R&TTE informal warnings		
R&TTE fixed penalty fines		
EMC non compliance actions		

Enforcement action taken – Other than Market surveillance, eg unlicensed use

Activity	2008	2009
Total number of prosecutions		
Total number of warning letters		
Total number of informal warnings		
Total number of fixed penalty fines		
Total number of other sanctions		

Other penalties*

	2008	2009
<i>*please specify</i>		

4. Enforceability

Question 4A – Enforceability of Regulations	
<i>Is your enforcement organisation involved in checking the enforceability of a proposed Regulation for the use of a radio or terminal equipment?</i>	
<input type="checkbox"/>	No
<input type="checkbox"/>	Yes
If yes , please indicate the level of involvement (e.g. advice, decision, etc.).	

Question 4B – Enforcement criteria
<i>What criteria are your Enforcement activities based upon? eg risk based enforcement – Why do you take certain actions and not others (warnings vs fines)</i>

5. Multilateral/bilateral agreements

Question 5A – agreements	
<i>Does your enforcement organisation have (bilateral) agreements with foreign enforcement agencies?</i>	
<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
If yes, please describe briefly the relevant agreements e.g. bilateral, cross border agreements, SatMoU etc.	

Question 5B – CEPT cooperation
<i>What is your view on CEPT (Enforcement) co-operation at present and in the future?</i>

Comments or extra information you wish to add:

Benchmarking questionnaire guidance document

This guidance document is intended to help you understand the questions asked in the RA1 Benchmarking questionnaire. Please read the questionnaire and the corresponding explanation before attempting to complete your answers or gathering data. It is important to understand what is being asked to correctly complete the questionnaire.

Although we have tried to use simple English which can be understood by all, we note that different organisations store statistics and data in different ways. The guidance is intended to give you a better understanding of the questions asked so you will make the correct judgement when answering. Not all questions will fit your organisation you may not be able to answer some questions or may need to interpret your data in a different way.

Enforcement means: The range of actions and sanctions that can be used to enhance the compliance with national legislation and regulations for the purpose of achieving interference free communications for the legitimate users of the radio frequency spectrum. It includes taking action against occurred and potential sources of interference and unauthorised use and may include appropriate measures. Enforcement can include all types of investigation activities such as market surveillance, inspection of radio equipment, interference investigation and/or spectrum monitoring

1. Enforcement organisation

Question 1a – Organisation in charge of enforcement actions

This question refers to the organisation responsible for the following enforcement activities in your country. If there is more than one organisation then each can fill in a separate form showing their actions. However should your organisation have separate functions you may supply the data on one form.

Question 1b - Enforcement Organisation

Is your organisation Government controlled or other.

Other: Agency/Non governmental organisation (NGO) - A body connected to the government and Government funded, however the Agency/NGO determines its own policies and direction. Commercial organisation: undertakes enforcement in order to make a profit.

Question 1c - Does the enforcement organisation include regional or local offices in your country?

The number of regional and local/satellite offices and or laboratories that make up the facilities of your organisation.

Question 1d - Enforcement personnel

This question relates to the personnel within your organisation and their roles. These are all staff actively involved in **enforcement**, whether full time or part time. If someone works part time or has duties split between enforcement and another department, they should be counted as 0.5 of a full time equivalent. Enforcement personnel includes for example, administrative staff who work on enforcement cases, interference staff and spectrum lawyers who may get involved in cases before court. You may include an organisational chart if you wish.

Question 1e - Access to testing facilities

Does your organisation have its own test facilities or commission test laboratories to perform tests on its behalf on a contract or payment per survey basis.

Commercial: Does the facility/ies make monetary gain from non enforcement organisations, such as product manufacturers?

Accredited:

Has your facility been officially accredited by an accreditation body. If your organisation has more than one lab are they all accredited? Please state the number of accredited labs and attach copy/ies of Accreditation certificate/s to the questionnaire.

Question 1f - Testing by your organisation

What type of testing does your organisation perform or commission?

2. Type of enforcement activities:

Question 2a - Type of enforcement activities

Such as, investigation of TV/Broadcasting interference, illegal broadcast activities etc. Please tick the box next to the activities your organisation performs.

Question 2b - Enforcement cases

Please give the numbers of each type of activity/cases performed by your organisation in the years listed.

Question 2c - Financing enforcement activities

Who finances your organisation? The license payers, The Government, etc.

Who pays the costs for your enforcement actions and staff. This could be one or more than one option, ie Government only, or Government, Licence holders and other bodies in combination.

3. Interventions

Question 3a – Actions - What interventions your organisation performs. Eg Information, guidance, warnings, fines, revocations or prosecutions.

Question 3b - Sanctions

Is your organisation fully responsible for all sanctions taken? Does your organisation take action from the complaint to prosecution? Or is there a hand off to other organisations? Eg legal firm for prosecution.

Question 3c - Enforcement actions taken

You should input the total number of actions taken in each area for each of the two years shown. The upper half of the question concerns Market surveillance activities and the bottom half concerns all other enforcement activities.

4. Enforceability

Question 4a - Is your enforcement organisation involved in checking the enforceability of a proposed Regulation for the use of a radio or terminal equipment?

Question 4b - Enforcement criteria

Who defines your enforcement criteria? How do you choose your direction or area of impact? Why do you intervene? Reactively or proactively? Reacting to complaints? Campaigns? Reacting to risks raised by EU groups?

5. Multilateral/bilateral agreements

Question 5a - Agreements

What if any agreements are in place between your organisation and other enforcement organisations. Bi-laterals, multi-laterals or any other type of co-operative agreements related to enforcement.

Question 5b - CEPT Co-operation

What is your view on CEPT co-operation? Does co-operation in CEPT countries work well? What would you do to improve co-operation between CEPT countries?

ANNEX 2 : LIST OF COUNTRY CODES AND POPULATION

	ITU codes used in CEPT	Population ³ (million)
Albania	ALB	3,149
Austria	AUT	8,3
Belgium	BEL	10,5
Croatia	HRV	4,443
Cyprus	CYP	0,8
Czech Republic	CZE	10,5
Denmark	DNK	5,5
Estonia	EST	1,3
Finland	FIN	5,3
France	F	64,3
Germany	D	82
Hungary	HNG	10
Iceland	ISL	0,319
Ireland	IRL	4,5
Latvia	LVA	2,3
Lithuania	LTU	3,3
Luxembourg	LUX	0,5
The Former Yugoslav Republic of Macedonia (FYROM)	MKD	2,039
Malta	MLT	0,4
Montenegro	MNE	0,624
Netherlands	HOL	16,4
Norway	NOR	4,7
Poland	POL	38,1
Romania	ROU	21,5
Serbia	SRB	7,425
Slovak Republic	SVK	5,4
Sweden	S	9,2
Switzerland	SUI	7,6
United Kingdom	G	61,7

³ <http://europa.eu>

ANNEX 3 LIST OF PARTICIPATING ORGANISATIONS

Electronic and Postal Communications Authority (AKEP) - Albania

Federal Ministry for Transport, Innovation and Technology, Directorate General Post and Telecom - Austria

Belgian Institute for Postal services and Telecommunications (BIPT) - Belgium

Croatian Post and Electronic Communications Agency - Croatia

Ministry of Communications and Works (MCW), Department of Electronic Communications (DEC) - Cyprus

Czech Trade Inspection Authority (COI) – Czech Republic

Czech Telecommunication Office (CTO) – Czech Republic

National IT and Telecom Agency - Denmark

Estonian Technical Surveillance Authority - Estonia

Finnish Communications Regulatory Authority (Ficora) - Finland

Agence nationale des fréquences (ANFR) - France

Bundesnetzagentur (BNetzA) - Germany

Prime Minister's Office, State Secretariat for ICT and eGovernment, National Media and Infocommunications Authority - Hungary

Post- and Telecom Administration - Iceland

ComReg - Ireland

SJSC "Electronic Communications Office" - Latvia

Consumer Rights Protection Centre (CRPC) - Latvia

Communications Regulatory Authority (RRT) - Lithuania

Institut Luxembourgeois de Régulation (ILR)

Institut luxembourgeois de la normalisation, de l'accréditation, de la sécurité et qualité des produits et services (ILNAS)

Agency for Electronic Communications - Macedonia

Malta Communications Authority - Malta

Ministry for Transport, Maritime Affairs and Telecommunications, Agency for Electronic Communications and Postal Services - Montenegro

Radiocommunications Agency - The Netherlands

Norwegian Post and Telecommunication Authority (NPT) - Norway

Urząd Komunikacji Elektronicznej (Office of Electronic Communications) - Poland

Ministry of Communications and Information Society, National Authority for Management and Regulation in Communications (ANCOM) - Romania

Republic Telecommunication Agency - Republic of Serbia

Telecommunications Office of the Slovak Republic - Slovakia

Post and Telecom Agency (NPTA) - Sweden

Federal Office of Communications (BAKOM / OFCOM / UFCOM) - Switzerland

Office of Communications - OFCOM - United Kingdom