

ELECTRONIC COMMUNICATIONS COMMITTEE

ECC Decision
of 21 December 2007
on free circulation and use of
mobile satellite terminals
operating in the Mobile-Satellite Service allocations
in the frequency range 1-3 GHz

(ECC/DEC/(07)04)
(2007/98/EC)



EXPLANATORY MEMORANDUM

1 INTRODUCTION

Three levels of free circulation of radio equipment in CEPT countries are identified as follows:

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.

The level of free circulation that can be permitted is normally related to the level of harmonisation of the radio equipment: the harmonisation of the frequency arrangements, the standardisation of the radio equipment and harmonisation of licensing conditions.

This Decision deals only with the two first levels of free circulation (free circulation with and without the 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.

Previous Decisions on free circulation and use have each been for a specific type(s) of terminal operating within a particular system. This Decision is generic, in that, it applies in a general way to terminals and associated services, which operate in the specified harmonised frequency bands and shall apply both to existing and new categories of terminals.

This Decision is a generic replacement for the previous ERC/ECC Decisions listed in Annex 1.

2 BACKGROUND

It is a general aim of the Electronic Communications Committee (ECC) to facilitate free circulation and use of radio equipment.

In EEA/EFTA countries radio equipment that may be used without further restrictions is classified as “Class 1” in accordance with Decision 2000/299/EC (classification of radio equipment and telecommunications terminal equipment) of the European Commission and the R&TTE Directive.

The creation of a dynamic and competitive European radiocommunications market requires that radio equipment can be transferred from one country to another with as few formalities as possible. Restrictions on free circulation and use can be accepted only when they are justifiable because of reasons of efficiency of frequency usage.

This Decision follows the principle already established within the CEPT for the free circulation and use of mobile satellite terminals operating in the harmonised frequency bands listed in Annex 2.

3 REQUIREMENT FOR AN ECC DECISION

In order to avoid a proliferation of Decisions this generic Decision is intended to apply to mobile satellite terminals operating within the harmonised range of frequencies indicated in Annex 2.

The formulation of this Decision is aimed to make it possible for administrations to use as the sole Decision for the free circulation and use for mobile satellite terminals operating in the mobile-satellite service allocations in the frequency range 1-3 GHz.

4 RELATIONSHIP AND STATUS WITH RESPECT TO PREVIOUS ECC/ERC DECISIONS

Some administrations may have implemented and referenced Decisions in national legislation. It is preferable therefore that the Decisions in Annex 1 remain in force for a limited period of time until final abrogation. It is proposed that concerned administrations shall make the necessary adaptations in their legal frameworks as required, for the abrogation of relevant ECC/ERC Decisions (as listed in Annex 1) on free circulation and use in these bands which the operation of the associated terminals and systems currently rely.

It is specifically noted that an administration's position regarding implementation of this Decision shall be without prejudice to that administrations previous position with respect to the implementation of any or all past Decisions on free circulation and use covering the same harmonised frequency bands.

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Comparable technical specifications to those given in this ECC Decision are given in Commission Decision 2007/98/EC of 14 February 2007. EU/EFTA Member States and, if so approved by the EEA Joint Committee, Iceland, Liechtenstein and Norway are obliged to implement the EC Decision.

“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 there is an increasing mobility of MSS users and therefore an increasing need to provide for free circulation and use of radio equipment when visiting CEPT member countries
- c) that radio equipment is subject to ECC Decisions setting harmonised frequencies and technical standards;
- d) that the free circulation and use of mobile satellite terminals operating in harmonised frequency bands listed in Annex 2 should be allowed without requiring any kind of national licence or any registration in the country visited;
- e) that for mobile satellite terminals installed permanently on maritime vessels or aircraft, licensing or notification, if applicable, takes place in the country of registration;
- f) that mobile satellite terminals capable of operating in the frequency bands of Annex 2 are under the control of an authorised satellite system;
- g) that No. 5.376A of the ITU Radio Regulations specifies that mobile satellite terminals in the band 1660 - 1660.5MHz shall not cause harmful interference to stations of the radio astronomy service;
- h) that the satellite system limits the frequency use of the mobile satellite terminals in accordance with the frequency allocations of the ITU Radio Regulations, the requirements of national administrations and the co-ordination agreements with other satellite systems, which are agreed between administrations;
- i) that previous Decisions on free circulation and use shall remain in force until withdrawal. The choice of an administration as to implementation or non-implementation of such previous Decisions shall be entirely independent with respect to their choice on implementation of the present Decision; some administrations implementing these Decisions have also referenced these in national legislation;
- j) that some CEPT countries may not be able to implement this Decision easily without change to national regulation and that a delay in adoption of this Decision and the withdrawal of existing Decisions will allow time for this change to be enacted;
- k) that in EU/EFTA countries the radio equipment that is under the scope of this Decision shall comply with the R&TTE Directive. Conformity with the essential requirements of the R&TTE

Directive may be demonstrated by compliance with the applicable harmonised European standard(s) or by using the other conformity assessment procedures set out in the R&TTE Directive;

- 1) that EU/EFTA countries are not obliged to prevent temporary use of equipment which does not conform to the R&TTE Directive;

DECIDES

1. that whenever use of the mobile satellite terminals operating within the frequency bands indicated in Annex 2 is permitted in the visitor's home country, administrations shall permit free circulation and use of radio equipment operating under the control of an authorized satellite system where no frequency planning or individual frequency assignment is needed;
2. that the free circulation and use of the mobile satellite terminals referred to in Decides 1 shall be allowed without requiring any kind of national licence or any registration in the country visited;
3. that in CEPT countries where use of certain types of mobile satellite terminals is not permitted, free circulation without use shall be allowed;
4. that when free circulation without permission to use is allowed, administrations may take measures to prevent the use of the mobile satellite terminals;
5. that this Decision shall enter into force on 21 December 2007;
6. that Decisions detailed in Annex 1 shall be withdrawn on 21 December 2010 in order to allow administrations to make necessary adaptations in their legal frameworks, as required;
7. that the preferred date for implementation of this Decision shall be 21 December 2008;
8. 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 web site (<http://www.ero.dk>) for the up to date position on the implementation of this and other ERC/ECC Decisions.

Annex 1

Existing ERC/ECC Decisions withdrawn as a result of this Decision

<i>ERC/ECC Decision</i>	<i>Title</i>
<i>ERC(97)05</i>	Free circulation, use and licensing of S-PCS in 1610-1626.5 MHz, 2483.5-2500 MHz, 1980-2010 MHz and 2170-2200 MHz
<i>ERC(98)01</i>	Free circulation and use of Inmarsat-D terminals
<i>ERC(98)02</i>	Free circulation and use of Inmarsat-phone(Mini-M) terminals
<i>ERC(98)04</i>	Free circulation and use of EMS-MSSAT terminals
<i>ERC(99)19</i>	Free circulation and use of Inmarsat-B terminals
<i>ERC(99)21</i>	Free circulation and use of Inmarsat-M4 terminals
<i>ERC(01)23</i>	Free circulation and use of SpaceChecker terminals
<i>ERC(01)24</i>	Free circulation and use of Thuraya terminals
<i>ECC(02)08</i>	Free circulation and use of Satellite User Terminals -1525-1559 MHz space-to-Earth/1626.5-1660.5 MHz Earth-to-space

Annex 2

Frequency bands covered by this Decision

Frequency band	Direction of transmission
1518.0 - 1525.0 MHz	space-to-Earth
1525.0 - 1544.0 MHz	space-to-Earth
1545.0 - 1559.0 MHz	space-to-Earth
1610.0 - 1626.5 MHz	Earth-to-space
1613.8 – 1626.5 MHz	space-Earth (secondary)
1626.5 - 1645.5 MHz	Earth-to-space
1646.5 - 1660.5 MHz	Earth-to-space
1670.0 - 1675.0 MHz	Earth-to-space
1980.0 - 2010.0 MHz	Earth-to-space
2170.0 - 2200.0 MHz	space-to-Earth
2483.5 – 2500.0 MHz	space-to-Earth