

EUROPEAN RADIOCOMMUNICATIONS COMMITTEE

ERC Decision
of 10 March 1999
on Free Circulation, Use and Exemption from Individual
Licensing of Mobile Earth Stations of S-PCS<1GHz systems

(ERC/DEC/(99)05)



EXPLANATORY MEMORANDUM

1 INTRODUCTION

A limited number of new satellite systems within the mobile satellite service (MSS) have been introduced in the bands below 1 GHz, starting by the year 1998.

Other similar satellite systems are planned.

They offer services such as low bit rate data communications, messaging, position determination and other non-voice applications for individual users, providing global coverage.

These satellite systems are identified as "S-PCS below 1 GHz" (S-PCS< 1 GHz systems).

In dealing with S-PCS<1GHz systems administrations have to address several types of licensing requirements; e.g. for network operators, service providers, gateways, and MESSs. This ERC Decision covers free circulation and use, and exemption from the requirement of individual licensing of MESSs. The Decision makes necessary references to conformity assessment, to the relevant Technical Basis for Regulation (TBR) and appropriate marking regimes. The free circulation and use referred to in this Decision shall mean the right of the user to carry and use S-PCS<1GHz Mobile Earth Station(s) within the territory of all administrations participating in this Decision, without requiring individual authorisations or licences.

2 BACKGROUND

According to the Radio Regulations, the bands 137.025 MHz, 137.175-137.825 MHz and 400.15-401 MHz (space-to-Earth), and 148-149.9 MHz, 149.9-150.05MHz, 399.9-400.05 MHz- and, 406-406.1 MHz (Earth-to-space), are allocated to the mobile satellite service on a primary basis and the bands 137.025-137.175 MHz, 137.825-138 MHz and 387-390 MHz (space-to-Earth) and 312-315 MHz (Earth-to-space) are allocated to the mobile satellite service on a secondary basis. The bands 235-322 MHz (space-to-Earth), Earth-to-space) and 335.4-399.9 MHz (space-to-Earth, Earth-to-space) are also allocated by Footnote S5.254 to the mobile satellite service under Article S9.2 1.

The designation of frequencies to each S-PCS<1GHz system is given in the ERC Decision on the "harmonized introduction of satellite personal communication systems operating in the bands below 1 GHz (S-PCS<1GHz)" (ERC/DEC/(99)06)

The European administrations have been following the principle of issuing individual licences for single radio equipment. However, during the last decade administrations have started to exempt a number of these equipments from requiring an individual licence. The CEPT/ERC Recommendation ERC/REC 01-07 on harmonised regimes for exemption from individual licensing of radio equipment defines the criteria under which radio equipment should be exempt from individual licensing.

3 GENERAL APPROACH FOR FREE CIRCULATION AND USE AND LICENSING

Given that S-PCS<1GHz systems are intended to offer regional or global services, placing a requirement for individual licences for MESSs would be detrimental to the concept of free circulation and use. Therefore, this Decision requires that S-PCS<1GHz MESSs shall be exempted from individual licensing. The implementation of the concept of free circulation and use requires administrations to accept the use of the S-PCS<1GHz MESSs originating from other CEPT countries without requiring any further authorisation or licence.

The free circulation and use of MESSs and their exemption from individual licensing is predicated upon:

- the use of harmonised frequency bands by MESSs or by other means in order to avoid the potential to cause harmful interference to other services;
- type approval of MESSs to an agreed standard and also an agreed marking regime.

It is expected that conformity assessment of S-PCS<1GHz mobile earth stations will be carried out to harmonised standards, or to other specifications, which demonstrate compliance with essential requirements.

4 REQUIREMENT FOR AN ERC DECISION

The S-PCS<1GHz systems will provide a global service, which greatly facilitates the mobile communications throughout the world. Therefore there is a need to arrange free circulation and use of S-PCS<1GHz MESs without requiring individual licences or other radio regulatory formalities. This Decision has been prepared to facilitate these goals.

**ERC Decision
of 10 March 1999
on Free Circulation, Use and Exemption from Individual
Licensing of Mobile Earth Stations of S-PCS<1GHz systems**

(ERC/DEC/(99)05)

“The European Conference of Postal and Telecommunications Administrations,

considering:

- a) that the frequency bands 137-137.025 MHz, 137.175-137.825 MHz and 400.15-401 MHz (space-to-Earth), and 148-149.9 MHz, 149.9-150.05 MHz, 399.9-400.05 MHz and 406-406.1 MHz (Earth-to-space), are allocated to the mobile satellite service on a primary basis and that the bands 137.025-137.175 MHz, 137.825-138 MHz and 387-390 MHz (space-to-Earth) and 312-315 MHz (Earth-to-space) are allocated to mobile satellite service on a secondary basis;
- b) that the frequency bands 235-322 MHz and 335.4-399.9 MHz are also allocated by the Radio Regulations No. S5.254 to the mobile satellite service;
- c) that the use of the frequency bands mentioned in considering b) above is subject to co-ordination under Art. S9.21;
- d) that ERC Report 25 identifies the band 225-399.9 MHz as harmonised military band;
- e) that the use of the frequency 243 MHz is subject to the RR No. S5.256;
- f) that the use of the frequency band 406-406.1 MHz by the mobile satellite service is limited to low power satellite emergency position-indicating radio beacons;
- g) that a number of S-PCS<1GHz systems providing both global and regional coverage are to be brought into operation in the bands mentioned in considering (a) above;
- h) that the spectrum for S-PCS<1GHz systems will be harmonised via the ERC Decision on the Harmonised Introduction of Satellite Personal Communication Services (S-PCS) operating in the frequency bands below 1GHz (ERC/DEC(99)06);
- i) that S-PCS<1GHz systems will be assessed in accordance with the technical criteria and due diligence milestones given in ERC/DEC/(99)06;
- j) that the bringing into operation of S-PCS<1GHz systems in the bands mentioned in considering (a) and (b) above is subject to satisfactory progress of frequency co-ordination in accordance with the procedures established by the ITU Radio Regulations;
- k) that the use of S-PCS<1GHz MESSs could cause interference to other services;
- l) that it is desirable for administrations to implement a harmonised licensing regime for S-PCS<1GHz MESSs within the CEPT;
- m) that the exemption of MESSs from requiring an individual licence provides for the concept of free circulation and use which means the right to carry and use an S-PCS<1GHz MESSs without any further authorisation;
- n) that the harmonisation of authorisation conditions and co-ordination of procedures relating to S-PCS<1GHz are given in the ECTRA Decision on harmonisation of authorisation conditions and co-ordination of procedures in the field of SPCS< 1 GHz in Europe (CEPT/ECTRA/DEC(99)02);
- o) that within the EEA the conformity assessment of S-PCS<1GHz MESSs will be carried out to the relevant harmonised standards, or to other specifications, which demonstrate compliance with essential requirements.

recognising

that this Decision shall not impede EEA member countries from fulfilling their obligations according to community law;

DECIDES

1. that administrations shall not require individual licences for the use of MESs of S-PCS<1GHz systems, provided that:
 - the satellite system ensures that the MESs operate within the frequency bands and under technical and operational constraints, needed to avoid harmful interference to other services, identified in Annex 2 of ERC/DEC/(99)06;
 - the provision of service offered by S-PCS<1GHz systems, within which the MES operates, has been authorised in accordance with national regulations, where applicable and the ECTRA Decision ECTRA/DEC(99)02;
2. the MES fulfils the requirements of the country where it is used and is marked accordingly;
3. that administrations which have implemented this Decision shall allow the free circulation and use of all MESs provided that the MESs fulfil the requirements in decides 2.
4. that free circulation without permission to use for all MESs not fulfilling the requirements in decides 2, should be allowed by each administration when the MES is prohibited from operating by the S-PCS<1GHz network operator whilst it is located within the territory of the administration;
5. that this Decision shall be reconsidered each time the ERC Decision on the Harmonised Introduction of S-PCS<1GHz ERC/DEC/(99)06 or the ECTRA Decision on harmonisation of authorisation conditions and co-ordination of procedures in the field of S-PCS<1GHz in Europe ECTRA/DEC(99)02 is revised;
6. that this Decision shall enter into force on 15 March 1999.
7. that CEPT Member Administrations shall communicate the national measures implementing this Decision to the ERC Chairman and the ERO when the Decision is nationally implemented.”

Note:

Please check the ERO web site (www.ero.dk) under “Documentation / Implementation” for the up to date position on the implementation of this and other ERC Decisions.