



# ECC Decision (11)04

Exemption from individual licensing of digital terminals of narrowband and wideband PMR/PAMR/PPDR systems and free circulation and use of digital terminals of narrowband and wideband PPDR systems operating in the 80 MHz, 160 MHz, 380-470 MHz and 800/900 MHz bands

**Approved 09 December 2011**

## EXPLANATORY MEMORANDUM

### 1 INTRODUCTION

It is a general aim of the Electronic Communications Committee (ECC) to facilitate free circulation and use of radio equipment. The free circulation and use of radio equipment and the provision of Pan European services will be greatly assisted when all CEPT administrations exempt the same categories of radio equipment from individual licensing and apply the same criteria.

For the purpose of this Decision, the term “free circulation” means carriage of digital terminals of narrowband and wideband PMR/PAMR/PPDR equipment and does not include the placing of equipment on the market.

ECC Report 025 defines PMR and PAMR systems in the following way:

PMR is part of the land mobile service based on the use of simplex, half and possibly full duplex modes at the terminal level in order to provide closed user group communications.

PMR can be either:

- traditional, self-provided and self-owned by business users small area networks

Example: network in an industrial plant;

- tightly controlled set of inter-related closed user groups.

Can either be outsourced, or can be owned by a dominant user who allows other related user groups to use the network.<sup>1</sup>

Example: closed network of inter-related municipal organisations such as utility, public transportation, water supply and road maintenance.

PAMR is defined as operator provided, commercially open networks designed for business professional users, dedicated user groups but no limitation on the nature or type of the user groups and no need for these to be related. Not generally intended for these groups to communicate with each other.

Usually, PAMR operators provide radio services to a large variety of closed user groups over a wide coverage area (regional or national). However, they do not necessarily provide all PMR services, e.g. PAMR operators rarely offer Direct Mode Operation (DMO).

PPDR radio system (as defined by the ITU-R report M.2033) includes two different uses. The first one is for Public Protection (PP) which covers radiocommunications used by responsible agencies and organizations dealing with maintenance of law and order, protection of life and property, and emergency situations. The second one is for Disaster Relief (DR) which covers radiocommunications used by agencies and organizations dealing with a serious disruption of the functioning of society, posing a significant, widespread threat to human life, health, property or the environment, whether caused by accident, nature or human activity, and whether developing suddenly or as a result of complex, long-term processes.

### 2 BACKGROUND

It is generally agreed that installation and use of radio equipment may be exempted from individual licensing when the efficient use of the frequency spectrum is not at risk and as long as harmful interference is unlikely and usage is on a non-protected/non-interference basis.

In the EEA, Directive 2002/20/EC (the Authorisation Directive) as amended by Directive 2009/140/EC, introduces the principle that individual rights of use (or equivalently individual licenses) are only justified for reasons related to the effective/efficient use of the spectrum and the avoidance of harmful interference and protection of public health.

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<sup>1</sup> Predominantly local networks but could be national.

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 spectrum usage.

When radio equipment is subject to an exemption from individual licensing, it may be used without any prior individual permission from the administration. The use of the equipment can be subject to general provisions or general authorization conditions.

This ECC Decision is focused on the authorisation related matters for the equipment addressed in ECC/DEC/(06)06 on narrow band digital PMR/PAMR systems, ECC/DEC/(04)06 on wide band digital land mobile PMR/PAMR systems and ECC/DEC/(08)05 on narrow and wideband digital PPDR systems. Although ERC/DEC/(99)02 and ERC/DEC/(99)03 on licensing and free circulation and use of TETRA mobile terminals also cover DMO, these provisions have not resulted in the harmonised use of DMO channels in Europe and therefore this Decision does not cover DMO and ERC/DEC/(99)02 and ERC/DEC/(99)03 are hereby withdrawn.

ECC/DEC/(06)06 stipulates that a sufficient amount of spectrum shall be made available in response to market demand for Narrow Band Digital Land Mobile PMR/PAMR within one or more of the following bands: 68-87.5 MHz, 146-174 MHz, 406.1-430 MHz, and 440-470 MHz.

ECC/DEC/(04)06 stipulates that the frequency requirements for Wide Band Digital Land Mobile PMR/PAMR systems shall be met within the bands 410-430 MHz, 450-470 MHz and 870-876/915-921 MHz.

ECC/DEC/(08)05 addresses the harmonisation of bands within the frequency range 380-470 MHz for the implementation of digital Public Protection and Disaster Relief (PPDR) narrow and wide band radio applications in the mobile service (land mobile service).

### **3 REQUIREMENT FOR AN ECC DECISION**

ECC/DEC/(06)06, ECC/DEC/(04)06 and ECC/DEC/(08)05 cover exclusively the designation of frequency bands. A common framework is also needed to deal with the authorisation related matters of PMR/PAMR/PPDR equipment operating in these bands.

This Decision is therefore intended to provide a basis for administrations to facilitate the exemption from individual licensing and the free circulation and use within the specified frequency bands for digital terminals of narrowband and wideband PMR/PAMR/PPDR systems, as fits the national regime.

**ECC DECISION OF 09 DECEMBER 2011 ON EXEMPTION FROM INDIVIDUAL LICENSING OF DIGITAL TERMINALS OF NARROWBAND AND WIDEBAND PMR/PAMR/PPDR SYSTEMS AND FREE CIRCULATION AND USE OF DIGITAL TERMINALS OF NARROWBAND AND WIDEBAND PPDR SYSTEMS OPERATING IN THE 80 MHz, 160 MHz, 380-470 MHz AND 800/900 MHz BANDS (ECC/DEC/(11)04)**

“The European Conference of Postal and Telecommunications Administrations,

*considering*

- a) that national licensing regimes should minimise the burden upon the administrations and users of equipment;
- b) 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;
- c) 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;
- d) that administrations should work towards the exemption of relevant radio equipment from individual licensing based on harmonised criteria detailed in ERC/REC 01-07;
- e) that there is a need for interoperability between PPDR radio applications, both nationally and for cross-border operations;
- f) that ECC/DEC/(06)06 designates the frequency bands 68-87.5 MHz, 146-174 MHz, 406.1-430 MHz and 440-470 MHz for use by the Narrow Band Digital Land Mobile PMR/PAMR applications within the land mobile service;
- g) that ECC/DEC/(04)06 designates the frequency bands 410-430 MHz, 450-470 MHz and 870-876/915-921 MHz for Wide Band Digital Land Mobile PMR/PAMR applications within the land mobile service;
- h) that ECC/DEC/(08)05 addresses the harmonisation of bands within the frequency range 380-470 MHz for the implementation of digital Public Protection and Disaster Relief (PPDR) narrow band and wide band radio applications in the mobile service (land mobile service);
- i) that operating under the control of a network means that the terminal does not transmit before it has received a signal from a valid network with which it can communicate (the receive-before-transmit principle);
- j) 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 standards or by using the other conformity assessment procedures set out in the R&TTE Directive.

*DECIDES*

1. that administrations shall exempt from individual licensing digital terminals of narrowband and wideband PMR/PAMR/PPDR systems operating under the control of a network within the bands identified in ECC/DEC/(04)06, ECC/DEC/(06)06 and ECC/DEC/(08)05;
2. that administrations shall allow the free circulation and use of digital terminals of narrowband and wideband PPDR systems which operate under the control of a network within the bands identified in ECC/DEC/(08)05;
3. that this Decision replaces ERC/DEC/(99)02 and ERC/DEC/(99)03 which are hereby withdrawn;
4. that this Decision enters into force on 9 December 2011;
5. that the preferred date for implementation of this Decision shall be 30 June 2012;

6. 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 <http://www.ecodocdb.dk> for the up to date position on the implementation of this and other ECC Decisions.*