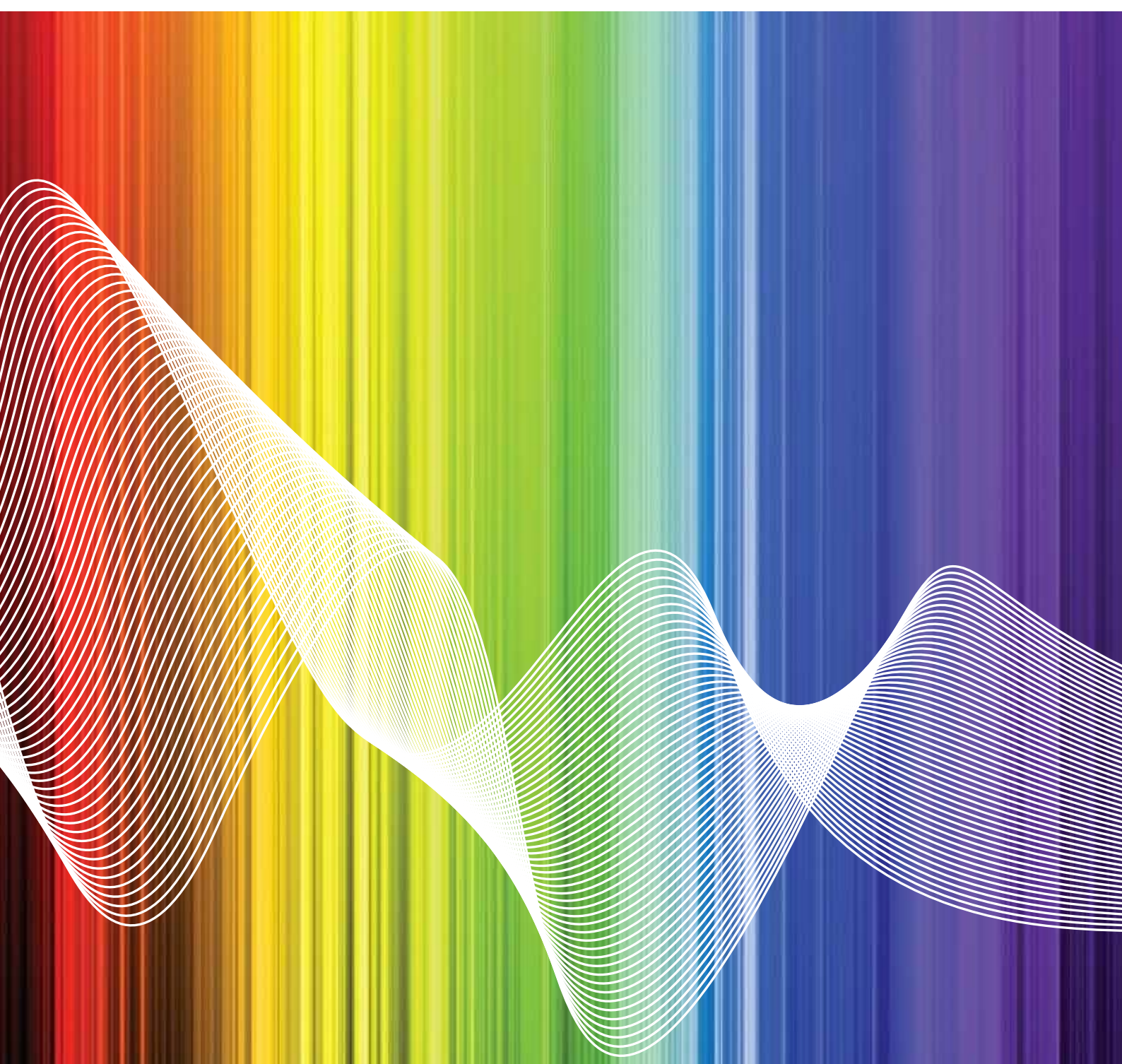


The European regulatory environment for radio equipment and spectrum

AN INTRODUCTION



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This brochure has been jointly produced by the Electronic Communications Committee and the European Telecommunications Standards Institute, with support from the European Commission.

An introduction to the European regulatory environment for radio equipment and spectrum

Scope

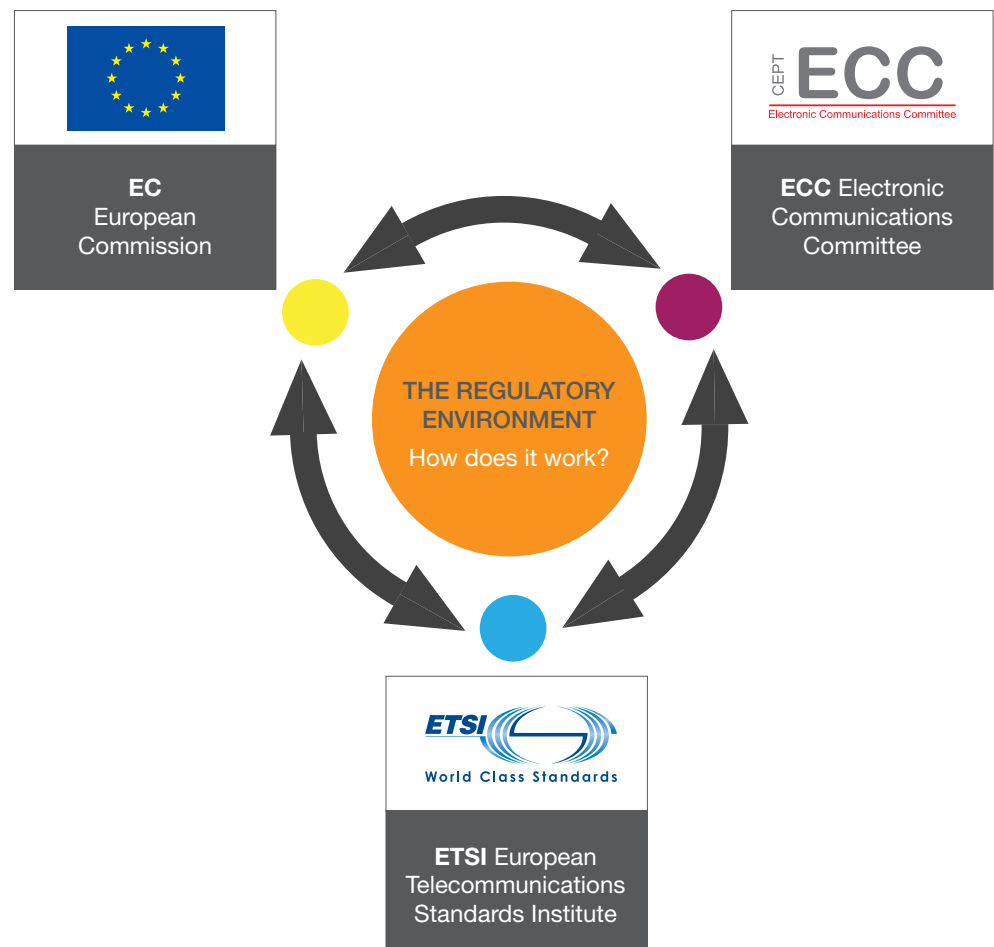
This brochure provides an introduction to the regulatory environment in Europe for radio equipment and spectrum and some key information for newcomers.

Radio Regulatory Environment

At national level, radio spectrum is managed by National Administrations, which adopt a national table of radio spectrum allocations, define a framework for use of the radio spectrum and assign radio spectrum to the different users via licences or via licence-free arrangements.

At European level, the European Commission (**EC**), the European Telecommunications Standards Institute (**ETSI**) and the Electronic Communications Committee (**ECC**) of the European Conference of Postal and Telecommunications Administrations (**CEPT**) cooperate on aspects related to the regulatory environment for radio equipment and spectrum both at the EU level and at the wider intergovernmental level across Europe.

Figure 1: European regulatory environment for radio equipment and spectrum



European Union Radio Spectrum Regulatory Framework

The **European Commission** embodies and upholds the general interest of the European Union (27 countries). Its four main roles are: to propose legislation to Parliament and Council; to administer and implement Community policies; to enforce Community law; and, to negotiate international agreements, mainly those relating to trade and cooperation.

EU radio spectrum policy aims to coordinate spectrum management approaches across the Union. The overarching objective is to support the internal market for wireless services and to foster innovation in electronic communications and other sectors. It includes a regulatory framework to harmonize access conditions at EU level to ensure efficient use of radio spectrum and to enable interoperability of radio equipment. The electronic communications regulatory framework was also modified in 2009 to gradually introduce more flexibility through the principles of technology and service neutrality and the possibility for users to transfer and lease rights to use spectrum under certain conditions. EU Decisions and regulations take precedence in the EU over ECC decisions, which are non-binding, in cases where both measures exist in relation to the same issue.

The Commission may also, under the **EC Radio Spectrum Decision**, harmonize the technical conditions for the use of spectrum with the technical assistance of CEPT, on the basis of specific mandates.

The Directorate General Information Society (**DG INFSO**) is assisted in its work by the Radio Spectrum Committee (**RSC**) which was established in 2002 under the **Radio Spectrum Decision 676/2002/EC** and is composed of Member States' experts and chaired by the Commission.

This Committee exercises its functions through advisory and regulatory procedures that are set out in the EU's **Comitology Decision**.

More information on EU radio spectrum policy can be found at: http://ec.europa.eu/information_society/policy/ecomm/radio_spectrum/eu_policy/

The EC harmonizes the essential requirements for radio equipment, which include constructing radio equipment so as to avoid harmful interference, via the New Approach **R&TTE Directive**. The New Approach **R&TTE Directive** regulates the requirements that products must meet in order to be placed on the market and put into service (without prejudice to conditions attached to authorisations). The usual way for manufacturers to comply with these requirements is to apply Harmonized Standards developed by ETSI and by CENELEC¹. The Directive is implemented at national level by Member States, in particular by Market Surveillance Authorities.

The EC (**DG Enterprise**) is assisted by the Telecommunications Conformity Assessment and Market Surveillance (**TCAM**) Committee in its work related to the operation of the Directive. More information on EU policy for radio and telecommunications terminal equipment can be found at http://ec.europa.eu/enterprise/rtte/index_en.htm

1. Where Harmonized Standards are not applied, a Notified Body has to be consulted. R&TTE CA has specific responsibilities in respect of Notified Bodies appointed under EU R&TTE Directive.

ECC of CEPT and its role in the European Radio Regulatory Environment

The **CEPT** is a cooperative body in Europe of 48 national regulatory administrations in the field of posts and telecommunications. It is a recognised regional organisation acting in accordance with pan-European goals set up by CEPT. More information can be found at <http://www.cept.org>.

The Electronic Communications Committee (**ECC**) brings together 48 countries to develop common policies and non-binding regulations in electronic communications and related applications for Europe, and to provide the focal point for information on spectrum use. Its primary objective is to harmonize the efficient use of the radio spectrum, satellite orbits and numbering resources across Europe. It takes an active role at the international level, preparing common European proposals to represent European interests in the ITU and other international organisations.

The ECC's approach is strategic, open and forward-looking, and based on consensus between the member countries. It applies its expertise in partnership with all stakeholders, the European Commission and ETSI to facilitate the delivery of technologies and services for the benefit of society.

The **ECC**, in particular on request of its members, among others, undertakes compatibility studies and establishes conditions and parameters under which the sharing between the different users of the spectrum may take place. This may result in the development of an ECC Decision. Other ECC deliverables are ECC Recommendations, CEPT Reports (responses to mandates from the EC) and ECC Reports. ECC documents can be found at www.cept.org/eco or in the database at <http://www.ecodocdb.dk/>.

Attendance at ECC meetings includes representatives of the EC and of the European Free Trade Association (EFTA) Secretariat, representatives of **ETSI**, possibly representatives of relevant inter-governmental organisations as well as other organisations or non-CEPT Administrations concerned with electronic communications. In addition, industry representatives may also be invited as Observers by the Chairman.

In 1988, **ETSI**, the European Telecommunications Standards Institute, was created under the auspices of CEPT, which transferred all of its telecommunication standardisation activities to **ETSI**. The **ECC** has a strong cooperation with **ETSI** in order to ensure coherence between ECC Decisions and ETSI Harmonized Standards.

ETSI and its role in the European Radio Regulatory Environment

ETSI produces globally-applicable standards for Information and Communications Technologies (ICT), including fixed, mobile, radio, converged, broadcast and internet technologies.

ETSI is officially recognised by the European Union as a European Standards Organization under the **98/34/EC Directive**. ETSI is an independent, not-for-profit association with more than 700 members (including national administrations, companies and international organisations), drawn from 62 countries across 5 continents worldwide, participating directly in its work. ETSI currently has more than 70 collaboration agreements with other organisations throughout the world.

ETSI's purpose is to produce and maintain the technical standards and other deliverables which are required by its members. Much of the work is carried out in committees and working groups composed of technical experts from ETSI's member companies and organisations.

ETSI, together with CENELEC, is responsible for the development of Harmonized Standards under the R&TTE Directive (**1999/5/EC**) in response to the EC mandates. Applying **Harmonized Standards referenced in the Official Journal of the European Union**² (OJEU) enable manufacturers and service providers to benefit from a presumption of conformity with the requirements of the Directive, and thus be able to sell, deploy and put into service (without prejudice to conditions attached to spectrum usage rights) the radio and telecommunications terminal equipment within the European Union.

ETSI also develops Technical Reports (named System Reference Documents (SRDoc)) providing technical, legal and economic background on new radio systems under standardisation and informs the ECC accordingly.

2. http://ec.europa.eu/enterprise/sectors/rtte/documents/standards/index_en.htm

Cooperation between CEPT/ECC and ETSI

The ECC develops regulations for the effective use and Europe-wide harmonization of the radio frequency spectrum, and the efficient use of satellite orbits and, therefore, provides for decisions regarding the allocation/designation of frequencies for radio communications services and applications within the CEPT countries, as well as for related requirements relevant to the use of spectrum by radio equipment.

ETSI develops standards for radiocommunication systems and equipment. Radio standards, and in particular those under article 3.2 of the R&TTE Directive, contain various requirements which relate to the efficient use of the spectrum, including compatibility between different radio services.

A Memorandum of Understanding (MoU) has been agreed between ETSI and the CEPT Electronic Communications Committee (ECC), for co-operation. In the development of Harmonized Standards for radio equipment as well as in relevant ECC deliverables, the provisions of the ETSI-CEPT MoU are applied, as depicted in Figure 2.

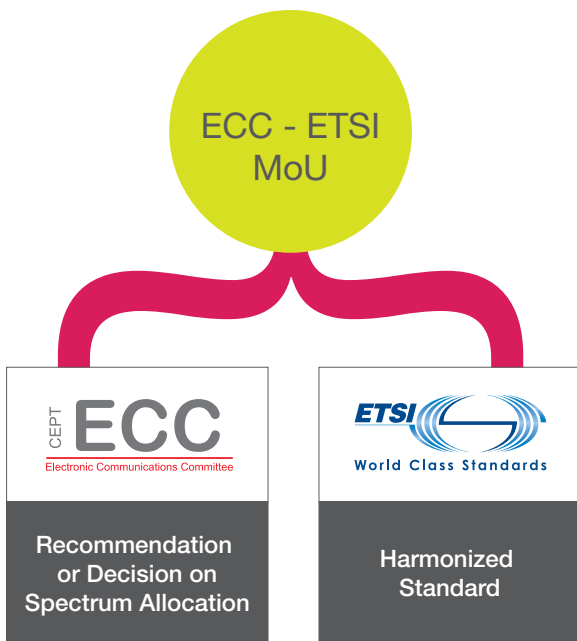


Figure 2: Cooperation between CEPT/ECC and ETSI

Cooperation between the EC and CEPT/ECC

ECC/CEPT develops CEPT Reports in response to mandates issued by the EC, as shown in Figure 3.

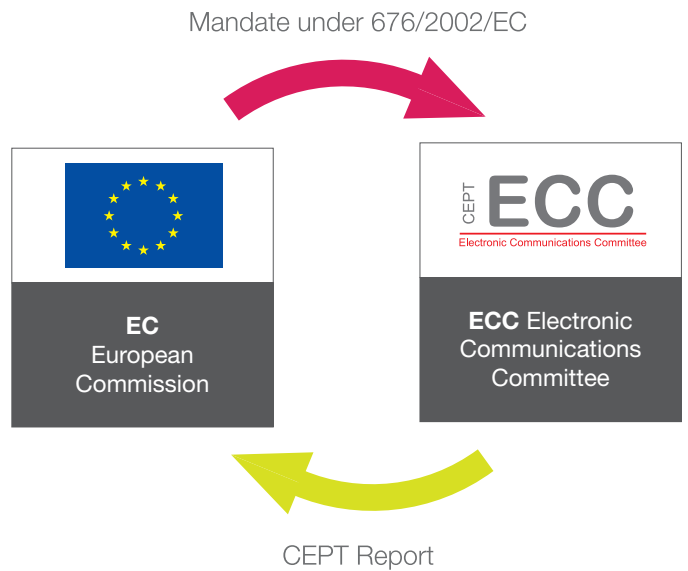


Figure 3: Cooperation between EC and ECC

Those CEPT Reports provide input for the development of Commission Decisions which may also reflect the technical parameters and sharing conditions identified by **ECC/CEPT**. Commission Decisions are mandatory harmonization measures within the EU. The implementation of EC Decisions is mandatory for EU Member States, EEA countries, bilaterally “associated” countries as well as any accession country before it can join the EU.

The ECC also assists the Commission in the publication of sub classes for equipment in accordance to the R&TTE Directive by contributing to TCAM.

Cooperation between the EC and ETSI

The Telecommunications Conformity Assessment and Market Surveillance (TCAM) Committee assists the Commission in the management of R&TTE Directive (1999/5/EC).

The R&TTE Directive (1999/5/EC) regulates the requirements that radio and telecommunication terminal equipment must meet in order to be placed on the market and to be put into service (without prejudice to conditions attached to spectrum usage rights, see Articles 6.1, 7.1 and 7.2). It harmonizes the requirements for radio equipment to use the radio spectrum effectively so as to avoid interference with the objective of ensuring the good functioning of the internal market of the European Union.

The EC, after consultation with TCAM prepares mandates for development of Harmonized Standards, see Figure 4. These mandates are subject to approval of the 98/34 Committee under the Directive on the procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (98/34/EC).

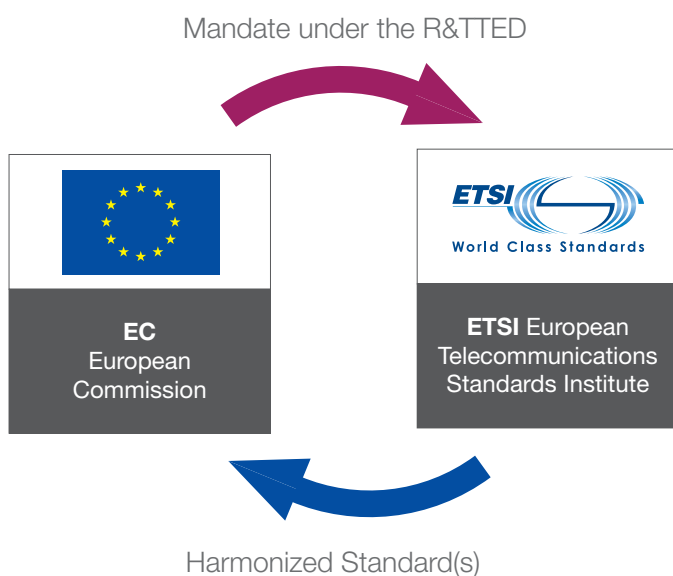


Figure 4: Cooperation between EC and ETSI

Market surveillance and enforcement

Member States are required to take all appropriate measures to ensure that equipment is placed on the market and/or put into service only if it complies with the requirements of the R&TTE Directive and technical conditions to use the spectrum. A list of the Member State surveillance authorities can be found at: http://ec.europa.eu/enterprise/sectors/rtte/documents/contacts-points/marksur/index_en.htm.

The Directive enables the surveillance authorities to gain access to information on equipment. In particular, it requires the declaration of conformity and technical documentation to be made available for inspection by them. This information must be made available by the manufacturer, by his authorised representative established within the European Union, or where neither is in the European Union, by the importer or person responsible for placing the apparatus on the market.

Surveillance authorities may also, in accordance with their national laws, check and test products sampled in the market. Surveillance activities may arise as a result of a complaint or random check or as part of a systematic programme. Where problems are found, the follow-up will depend on the seriousness of any non-compliance but there should first be an attempt to resolve matters nationally through direct dialogue with the manufacturer or his authorised representative.

In serious cases or where there is a failure to implement adequate remedial measures in a timely manner, withdrawal from the market may be imposed and the surveillance authority concerned will trigger the formal “safeguard” procedure under Article 9 of the Directive. Under this procedure, formal notification of the action taken and the reasons for it is made to the Commission. The Commission will then inform the other Member States, consult with the TCAM and, in due course, give an opinion on the action taken. The surveillance authorities collaborate in the R&TTE ADCO (Group on Administrative Cooperation).

List of Abbreviations and Acronyms

CENELEC	Comité Européen de Normalisation Electrotechnique
CEPT	European Conference of Postal and Telecommunications Administrations
DG INFSO	Directorate General Information Society
EC	European Commission
ECC	Electronic Communications Committee
ECN&S	Electronic Communication Networks and Services
ECO	European Communications Office
EEA	European Economic Area
EFTA	European Free Trade Association
EN	European Standard, telecommunications series
ESO	European Standardisation Organisations
ETSI	European Telecommunications Standards Institute
EU	European Union
HS	Harmonized Standard
ICT	Information and Communications Technologies
MoU	Memorandum of Understanding
NSO	National Standards Organisation
OJEU	Official Journal of the European Union
RSC	Radio Spectrum Committee
R&TTE	Radio and Telecommunications Terminal Equipment
R&TTE ADCO	Radio and Telecommunications Terminal Equipment Administrative Cooperation
R&TTE CA	Radio and Telecommunications Terminal Equipment Compliance Association
TCAM	Telecommunication Conformity Assessment and Market Committee

Relevant websites

ETSI:	www.etsi.org
ECC:	www.cept.org/ecc
EC DG Enterprise and Industry:	http://ec.europa.eu/enterprise/index_en.htm
EC DG Infosoc:	http://ec.europa.eu/information_society/index_en.htm
EC Radio Spectrum Policy Group:	http://rspg.ec.europa.eu/
EC Radio Spectrum Committee:	http://ec.europa.eu/information_society/policy/radio_spectrum/activities/rsc_work/index_en.htm
Radio Spectrum Decision 676/2002/EC:	http://europa.eu/legislation_summaries/information_society/l24218a_en.htm
R&TTE Directive:	http://ec.europa.eu/enterprise/rtte/index_en.htm and http://europa.eu/legislation_summaries/information_society/l21003a_en.htm
98/34/EC Directive:	http://europa.eu/legislation_summaries/internal_market/single_market_for_goods/technical_harmonisation/l21003_en.htm
EU legislation:	http://eur-lex.europa.eu/en/index.htm
R&TTE Compliance Association:	http://www.rtteca.com/
Member State surveillance authorities:	http://ec.europa.eu/enterprise/sectors/rtte/documents/contacts-points/marksur/index_en.htm

Annex: Practical guidance for newcomers to the regulatory environment in Europe for radio equipment and spectrum

This annex provides practical information for newcomers to the regulatory environment in Europe for radio equipment and spectrum.

Key European legal documents

Examples of key European legal documents for manufacturers, services providers and other market players are given in Table 1.

A guide is available to assist with the common application of Directive 1999/5/EC (the R&TTE Directive): http://ec.europa.eu/enterprise/sectors/rtte/files/guide2009-04-20_en.pdf. It has no weight in law but deals with a number of practical issues that will be of interest to manufacturers and other stakeholders.

DIRECTIVES AND REGULATIONS	
Equipment	Anyone that wants to place equipment on the European market and operate it by using the radio spectrum must meet requirements of relevant directives and regulations on equipment. In the EU, the manufacturer and/or distributor of the equipment bear full responsibility for placing equipment on the market.
Radio and Telecommunications Terminal Equipment Directive (1999/5/EC)	
Radio Spectrum Decision 676/2002/EC	
Networks and Services	A new service provider needs to meet requirements of relevant directives and regulations on network and services. (* These directives have been amended in 2009)
Framework Directive (2002/21/EC)*	
Authorisation Directive (2002/20/EC)*	
Access Directive (2002/19/EC)*	
Universal Service Directive (2002/22/EC)*	
Privacy Directive (2002/58/EC)*	
Sector Specific	Sector specific legislation has to be followed. Whilst horizontal legal acts (applying for all sectors) for equipment, network and services set the minimum required provisions, sector-specific regulation may be more stringent, e.g. the automotive EMC Directive. 2004/104/EC.
Automotive EMC Directive (2004/104/EC)	
Marine Equipment Directive (96/98/EC)	
Single European Sky: Interoperability Regulation (552/2004)	
Medical Devices	
Electronic Fee Collection	
... and many more	

Table 1: Examples of key European legal documents for manufacturers, services providers and other market players

Obligation of manufacturers

The responsibilities of manufacturers under the R&TTE Directive are briefly depicted in Table 2.

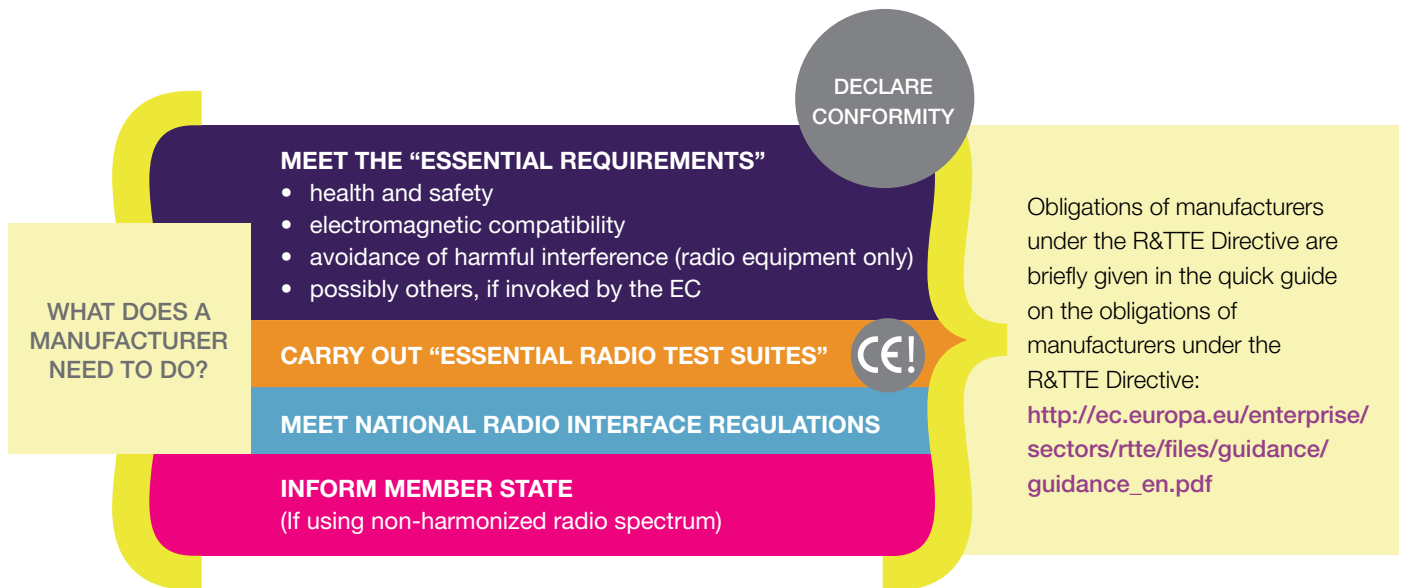


Table 2: Manufacturers' responsibilities under the R&TTE Directive

Checklist for a newcomer

The R&TTE Directive provides the means of ensuring free circulation of radio products within the EEA countries.

In order to obtain legal certainty, two things have to be checked:

- the availability of an EC Decision on harmonization of the radio spectrum and/or ECC Decision – subject to precedence of EU decisions over ECC decisions in the EU – (searchable via: <http://www.ecodocdb.dk/>)
- and the availability of a Harmonized Standard (HS) referenced in the Official Journal of the European Union. The OJEU is searchable via http://eur-lex.europa.eu/RECH_mot.do (search for "1999/5/EC" with "harmonized standards"). Additionally, the European Commission has

information on Harmonized Standards under Directive 1999/5/EC at <http://ec.europa.eu/enterprise/sectors/rte/documents/standards/>.

For the pan-European CEPT area, a relevant ECC Decision may be published on the ECO web site with full information on its implementation by CEPT member countries: www.cept.org/eco. The geographical application and legal certainty for the different decisions on harmonization of radio spectrum are summarised in Table 3.

Table 3: Geographical application and legal certainty for different decisions on harmonization of radio spectrum

TYPE OF DECISION	GEOGRAPHICAL APPLICATION	LEGAL CERTAINTY
EC Decision on harmonization of the radio spectrum	EEA	Yes – legally binding under EU law
ECC Decision (ERC/ECC)	CEPT	According to national commitment (subject to check of national implementation status)

ETSI Harmonized Standards are adopted and transposed in the CEPT countries and can be applicable globally.



You can contact the ECC through its permanent office,
the European Communications Office, at:

ETSI can be contacted at:

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