

THE ECC CONSULTATION PROCESS REGARDING DRAFT ECC RECOMMENDATIONS

The following extract below from the ECC Working Methods describes the Mechanism for ECC Recommendations. Articles directly relevant to the Public Consultation process within the ECC are marked with the yellow background.

APPENDIX 5

MECHANISM FOR ECC RECOMMENDATIONS

1. INTRODUCTION

- 1.1 ECC Recommendations should be the outcome of a consultation process on matters of harmonization in the communications regulatory field. Administrations are encouraged to apply them, though implementation is on a voluntary basis.
- 1.2 ECC “Test and Development Recommendations” are intended to facilitate coordinated tests or trials to allow the early development of innovative technology with a potentially wide European market. Such Recommendations should specify the technology, a fixed period for the test, control of transmitter power, protection of existing users, means to stop the trial immediately in cases of interference, a procedure for the exchange of information on the trial by administrations, and the requirements for reporting the results to the Plenary together with any recommendations on future actions by the ECC.
- 1.3 There are four main elements to the Recommendation making mechanism: development and approval, implementation, amendment, and withdrawal.

2. DEVELOPMENT AND APPROVAL

- 2.1 The Plenary or the appropriate Working Group(s) or other ECC entities if authorized to do so in their terms of reference shall decide whether a new item of work should lead to a Recommendation.
- 2.2 Where more than one entity is involved, before work is started, the involved entities should agree the responsible entity. In case an ECC Recommendation is developed by a decision of the Plenary, the responsible entity is designated by the Plenary.
- 2.3 The responsible entity developing a draft ECC Recommendation should seek the advice of Working Group ‘Regulatory Affairs’ (WG RA) as early as reasonable with regard to the regulatory consistency and enforceability of the draft Recommendation. In all cases, this draft Recommendation shall be forwarded to WG RA at the latest at the time of initiation of the Public Consultation. WG RA shall develop and agree its advice and forward it to the relevant responsible entity with a copy to the ECC.
- 2.4 Draft Recommendations shall follow the standard format.
- 2.5 A draft Recommendation agreed by the responsible entity for Public Consultation shall be notified to Members by the Office using e-mail. A copy of the draft shall either be attached to

the e-mail or shall be placed within the website documentation area for downloading by members, as advised in the email. Providing no objections to proceed to Public Consultation are received by the Office from any Member within two weeks of this notification, the draft Recommendation is considered to be approved for Public Consultation to be carried out during a minimum period of two months. If such an objection is received, the draft Recommendation shall be placed on the agenda of the next responsible entity meeting for decision on Public Consultation. In cases where there is no consensus the voting procedure of Article 12.2.15 of the Rules of Procedure shall be applied.

2.6 In cases where the ECC Plenary approves draft Recommendations for Public Consultation, this will proceed without the notification referred to in 2.5.

2.7 The responsible entity shall consider the results of the Public Consultation when approving the draft Recommendation. However, draft Recommendations tasked by the ECC shall be submitted to the Plenary for approval.

2.8 If no agreement can be reached, the responsible entity shall present the draft Recommendation to the Plenary together with the comments received. The Plenary shall decide on the approval of the Recommendation, preferably by consensus. In cases where this is not possible, a voting procedure in accordance with Article 12.2.15 of the Rules of Procedure shall be applied.

2.9 The final text of the ECC Recommendation shall be included as an annex to the Minutes of the meeting at which it is approved.

3. **IMPLEMENTATION**

3.1 The text of the ECC Recommendation shall be published on the Office website as soon as possible after the meeting that approved it.

3.2 Members are strongly urged to respond to periodic questionnaires from the Office that facilitates the publication of a complete list of ECC Recommendations and the extent of their implementation by ECC Members.

4. **REVIEW**

Every Recommendation can be reviewed following a request by an ECC entity or following the guidance of the Plenary, to update the frequency bands indicated in the Recommendation or other information, taking into account an initial assessment made by an ECC entity and any other relevant information. The time for such reviews is not strictly established. As a consequence of a review, the responsible ECC entity or the Plenary shall decide whether to maintain, amend or withdraw the Recommendation. If the decision of the responsible ECC entity is not unanimous, a final decision is taken by the Plenary.

5. **AMENDMENT**¹

- 5.1 The Plenary or the responsible entity shall decide whether or not a process to amend a Recommendation should start.
- 5.2 With the exception of amendments in accordance with Article 5.3 the development and approval of an amended Recommendation should follow the provisions of paragraph 2 above.
- 5.3. Amendments of editorial nature, that is, amendments relating to the correction of editorial errors, such as typographical errors or errors in calculations or any other similar oversight (provided that these corrections do not impact on the original recommends part of the Recommendation) - would not require a Public Consultation.
- 5.4 Amendments in accordance with Article 5.3 shall be notified to the Plenary.
- 5.5 On the approval of the amended Recommendation, the previous Recommendation is automatically withdrawn.
- 5.6 Unless agreed otherwise, the reference number of the amended Recommendation remains unchanged, but the new version should have a reference next to the title, stating: “Amended” < place, date >”.
- 5.7 In the case where an error² in an approved Recommendation is identified, the Plenary may provisionally approve a corrigendum for final approval at its following meeting providing there is no objection. Corrected Recommendations shall keep their original number followed by the date of correction.

6. **WITHDRAWAL**

When it is considered by the Plenary or the responsible entity that a Recommendation is no longer valid or needed, the Plenary or the responsible ECC entity shall take a decision on its withdrawal. If the decision of the responsible ECC entity to withdraw is not unanimous, a final decision is taken by the Plenary.

¹ These provisions are also applicable to ERC and ECTRA Recommendations.

² With the exception of editorial errors which are corrected in accordance with paragraph 5.3.