



## **Letter of Understanding**

regarding

**Co-operation between**

**CEPT ERC and SAP RWG**

## ***The Parties,***

- The European Radio Committee (ERC) of CEPT (la Conférence Européenne des Administrations des Postes et des Télécommunications), and
- The Satellite Action Plan Regulatory Working Group (SAP RWG),

having noted the necessity of structuring and strengthening their relationship and fostering a closer co-operation:

### ***recognising that:***

- CEPT/ERC is an organisation of governmental bodies, hence with limited possibilities to enter binding agreements with a private association;
- SAP RWG is an informal association of representatives from the European satellite industry and the European Commission;

### ***and considering that:***

- a) CEPT/ERC is an intergovernmental organisation in which 43 European countries co-operate on matters relating to radiocommunications, including satellite radiocommunications;
- b) SAP RWG develops common views on behalf of the satellite industry in Europe, as regards, inter alia, regulatory matters relating to spectrum and licensing issues;
- c) CEPT/ERC and SAP RWG have a common interest in fostering the harmonisation of regulations, including those relating to harmonisation of the radio spectrum;
- d) CEPT/ERC and SAP RWG have a reciprocal interest in ensuring Europe-wide and world-wide allocations of spectrum for the provision of satellite services in order to meet the market demand;
- e) CEPT/ERC develops European Common Proposals, as appropriate, for use in the framework of international bodies;
- f) The SAP RWG has authorised the Chairman of the SAP RWG *CEPT sub-group* or his/her delegate to take on the task of Observer in CEPT/ERC/CPG;

### ***and considering also that:***

- g) the SAP RWG was established as a European Satellite Industry response to the *European Union Action Plan : Satellite Communications in the Information Society*, and is consequently regularly invited to provide the European Commission (EC) with its views, e.g. in the context of further development of radiocommunication policies at European Union level;
- h) CEPT/ERC is on occasions mandated by the EC to develop appropriate measures addressing frequency regulatory issues involving satellite services;

### ***agree to co-operate as follows:***

1. CEPT/ERC and SAP RWG may exchange from time to time as they may agree, free of charge, information on programmes of work in areas of mutual interest related to the use of radio spectrum for the provision of satellite services;
2. Within the areas related to in 1., participation of a nominated Observer from SAP RWG will be permitted at meetings of the ERC, its Working Groups, Project Teams and Task Groups, and a nominated Observer from CEPT/ERC will be permitted to participate in meetings of the SAP RWG working groups;

3. Within the areas related to in 1., copies of relevant working documents from either Party may be made available to the other Party on request on topics of mutual interest, agreed from time to time by both parties. The dissemination by one Party of the documents received by the other Party will be limited to the members of the receiving Party, and solely for the purpose of the activities relating to the Party's work programme;
4. All copyright, and other intellectual and industrial rights embodied in documents exchanged between CEPT/ERC and SAP RWG, and any copies thereof, remain with the originating Party and extend to all media in which the information may be embodied;
5. Observers shall, to the extent permitted by the relevant Party's organisational statutes, be entitled to participate fully in discussions on relevant work items, and may submit written contributions, but shall have no voting rights;
6. SAP RWG may submit proposals for spectrum activities to the relevant CEPT/ERC entity subject to the normal CEPT/ERC working procedures ;
7. The two Parties agree to exchange information and seek a common understanding concerning matters such as radio spectrum utilisation within Europe and regulatory affairs;
8. The practical contacts and decisions for the application of this Agreement will be taken between the appointed CEPT Representative(s) and the Chairman of the SAP RWG *CEPT sub-group*;
9. Any difficulty arising shall be resolved wherever possible at the working group level between the relevant CEPT/ERC entity and the SAP RWG *CEPT sub-group*. Matters which can not be resolved at working group level shall be subject to discussion between the two Parties at the level of Chairman of CEPT/ERC and Chairman of the SAP RWG.
10. This Agreement shall last for three years and shall be tacitly renewed for further one-year periods unless otherwise agreed by the Parties. The Agreement can be terminated by either Party before the expiry date with three months' notice;



Patrick Carey  
Chairman CEPT/ERC



Gerry Oberst  
Chairman SAP RWG

26 January 2000