

Memorandum of Understanding

between the

**Electronic Communications
Committee (ECC)**

and the

**European Telecommunications
Standards Institute (ETSI)**

revised April 2004



Memorandum of Understanding

between the

Electronic Communications Committee (ECC)

and the

European Telecommunications Standards Institute (ETSI)

The ECC of the European Conference of Postal and Telecommunications administrations (CEPT)
and
the European Telecommunications Standards Institute (ETSI)

considering:

- a) the Memorandum of Understanding between ETSI and the European Radiocommunications Committee (ERC) signed on 16 December 1993 and subsequently updated on 5 April 2001;
- b) that within CEPT, the ERC has merged with the European Committee on Telecommunication Regulatory Affairs to form the ECC, and that therefore the ECC has taken over the responsibilities of the ERC;
- c) that elements of the mission statement of the ECC are:
 - “to consider and develop common electronic communications¹ regulatory policies in a European context, taking account of European and International legislation and regulations;
 - to forward plan and harmonise within Europe the efficient use of the radio spectrum, satellite orbits, and numbering resources, so as to satisfy requirements of users and industry;
 - to encourage deregulation and liberalisation, and to foster the process of free circulation of radiocommunication equipment to support the development of an open and competitive market”;
- d) that ETSI develops standards and specifications for electronic communications equipment

“ETSI shall, through international collaboration, including Partnership Projects, pursue the objective of developing globally applicable deliverables meeting the needs of the telecommunication / electronic communication community while still fulfilling its duty to support EU and EFTA regulation and initiatives”;

¹ ‘Electronic communications’ means transmission, and, where applicable, switching or routing, which permits the conveyance of signals by wire, radio, optical or other electromagnetic means, irrespective of the type of information conveyed.

- e) that the European Parliament and the Council establishes for the Members of the European Union a regulatory framework for the placing on the market, free movement and putting into service in the Community of products and equipment, including radio equipment and telecommunications terminal equipment, by the provision of Directives, Recommendations and other legal instruments which are adopted by EU member states;
- f) that according to Directive 1999/5/EC², radio equipment shall be so constructed that it effectively uses the spectrum allocated to terrestrial/space radio communication and orbital resources so as to avoid harmful interference;
- g) that the effective use of the spectrum by radio equipment so as to avoid harmful interference is presumed when use is made of Harmonised Standards under article 3.2 of Directive 1999/5/EC as referenced in the OJEU;
- h) that other ETSI deliverables are important to achieve the effective use of the spectrum, as well as efficient use of electronic communications infrastructures;
- i) that the Directive 2002/21/EC³ (see article 17) of the European Parliament and of the Council establishes further rules with respect to standards and/or specifications to serve as a basis for the harmonised provision of electronic communications networks and services with a view to encourage the implementation of standards and/or specifications adopted by the European Standards Organisations;
- j) that ETSI Guide EG 201 399 gives guidance to the development of Harmonised Standards for application under Directive 1999/5/EC;
- k) that ETSI is one of the recognised European Standardisation Organisations under Directive 98/34/EC and its amendments;
- l) that ETSI has been mandated by the Commission of the European Community to develop Harmonised Standards for certain electronic communication equipment;
- m) that the Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision), may lead the Commission to issue mandates to CEPT;
- n) that in many areas the work and deliverables of both organisations are complementary and mutually supportive, and close working cooperation between both organisations should be encouraged;

taking into account:

- o) that there are differences in the membership of the EU, EFTA, CEPT and ETSI;
- p) that the ECC has the policy of making technologically neutral regulations, neither imposing nor discriminating in favour of the use of a particular type of technology, unless technically and clearly justified, also taking into account EU legislation as relevant^(2, 3) and obligations with respect to the World Trade Organisation (WTO), for example due to spectrum sharing issues.

² Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity

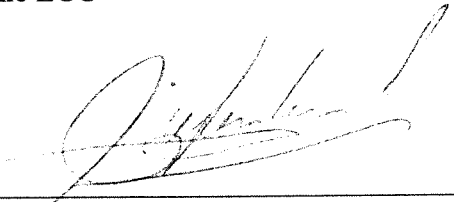

³ Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications network and services (Framework Directive).



agree:

- 1) that ETSI takes into consideration the responsibilities of the ECC, when developing Harmonised Standards or other relevant ETSI deliverables;
- 2) that the ECC takes into consideration the deliverables of ETSI when developing ECC Decisions, ECC Recommendations or other ECC deliverables;
- 3) that therefore a close liaison, flow of information and a process of consultation between the two organisations is essential;
- 4) that consequently there is a need for mutual representation of the organisations in each others' meetings;
- 5) to adopt and use the "Procedures for Co-operation between ETSI and the ECC", annexed to this document.
- 6) that this Memorandum of Understanding is open to review at the request of either party.

Signed:

for the ECC 	for ETSI 
Chris van Diepenbeek ECC Chairman Radiocommunications Agency NL P.O. Box 450 9700 AL Groningen Netherlands	Karl Heinz Rosenbrock ETSI Director-General European Telecommunications Standards Institute (ETSI) 650, Route des Lucioles F-06921 Sophia Antipolis Cedex France
Dated: <i>27 October 2004</i>	Dated: <i>20 October 2004</i>

Procedures for Co-operation between ETSI and the ECC

The ECC of the European Conference of Postal and Telecommunications administrations (CEPT) and the

European Telecommunications Standards Institute (ETSI)

agree on the following procedures for co-operation.

1 Introduction

This document describes the procedure for co-operation between the two organisations, based on the principles as laid down in the Memorandum of Understanding.

2 Background

The free movement and use of electronic communications equipment and the provision of Europe-wide services for electronic communications are only achievable if there exist a maximal commonality throughout Europe regarding legislation and its sub-ordinate regulations concerning electronic communications, in particular regarding:

- availability and efficient use of radio spectrum;
- efficient use of satellite orbits and numbering resources ,
- principles on which statements of conformity of equipment have to be based, and
- border crossing procedures.

A basic requirement to fulfil these objectives is the Europe-wide implementation of regulations based on either:

- either the essential requirements identified in particular in the Directive 1999/5/EC and elaborated in Harmonised Standards; or
- or other relevant technical regulations, based on ETSI or ECC deliverables.

The co-ordinated introduction of ETSI and ECC deliverables addressing interrelated subjects is fundamental to achieve the above objectives.

2.1 ECC

The ECC develops regulations for the effective use and Europe-wide harmonisation 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.

The framework given by some European Union Directives or Decisions (e.g. Directives 1999/5/EC², 2002/21/EC³, Radio Spectrum Decision) has certain implications for EEA countries participating in the work of the ECC.

In addition the ECC studies numbering, naming and addressing and promotes the harmonisation of the different national numbering, naming and addressing policies and plans; the ECC also functions as the administrator of the European Telephony Numbering Space.

The ECC is composed of representatives of the national authorities of the CEPT member states who are responsible for regulation in the field of electronic communications. ECC deliverables include among others Decisions, Recommendations and Reports.

2.2 ETSI

ETSI develops standards for electronic communications systems and equipment. The application of such standards is voluntary. Radio standards contain by their nature requirements that relate to the efficient use of the spectrum, and also parameters which might not be relevant for Directive 1999/5/EC but necessary for frequency planning and co-existence with other radio applications. Certain other standards may contain elements relevant for the European Telephony Numbering Space.

ETSI also develops, based on mandates from the EU/EFTA, Harmonised Standards, relevant for community legislation, e.g. the Directives 1999/5/EC² and 1989/336/EC⁴. These Harmonised Standards specify for example the essential requirements applicable to radio equipment in order to have it so constructed that it effectively uses the spectrum and orbital resources allocated to terrestrial/space radio communication so as to avoid harmful interference.

Within EU and EFTA countries, equipment placed on the market has to fulfil the essential requirements; in the case where the manufacturer has applied the Harmonised Standard, conformity with the essential requirements is presumed. Non-EU and non-EFTA countries may also use ETSI deliverables for conformity assessment purposes.

The ETSI membership is composed of *inter alia* manufacturers, network operators, service providers, administrations, regulatory authorities, research institutes and users, from European and non-European countries.

ETSI is, together with CEN and CENELEC, one of the three recognised European standardisation organisations under Directive 98/34/EC and its amendments.

3 The need for Co-operation

There is a direct relationship between the technical parameters defined in the ETSI deliverables and the efficient use of the spectrum, satellite orbits or numbering resources. It is essential that the national authorities responsible for these resources, collectively represented by the ECC, take due account of the views of ETSI when considering their responsibility regarding these resources.

In the same way, ETSI has to take due account of the views of the ECC when developing its deliverables, and in particular when considering parameters which influence the effective use of the spectrum, satellite orbits or numbering resources.

ECC and ETSI conclusions should be mutually acceptable and neither party should feel that its views have been disregarded. Both parties should build on the principle of co-operation in their tasks, not on a demarcation of responsibilities.

On issues of mutual interest there should be full consultation between both organisations. In order to ease this process and to ensure mutually acceptable solutions, ETSI may identify liaison officers to the ECC Plenary, and the Working Groups or Task Groups of the Plenary to present ETSI views. Full ETSI members are entitled to participate in relevant Project teams of the ECC Plenary and of the Working Groups of the ECC, unless, in exceptional and justified cases, a specific restriction has been decided after consultation. However, ETSI needs to be informed.

⁴ Directive on the approximation of the laws of the Member States relating to Electromagnetic Compatibility



The general approach should be:

- for the ECC to provide sufficient enabling resources, taking account of market demand and the requirements of existing and future services and of different categories of users;
- for ETSI to develop appropriate deliverables for electronic communications which provide for, *inter alia*, the effective use of these resources.
- for the ECC and ETSI to also consider economic and market related requirements. There should be, in principle, a proper balance between these and the efficient use of these resources.

The objective of the co-operation procedure described below is that the ECC and ETSI will develop deliverables embracing all necessary aspects of electronic communications. This would result in ETSI deliverables, complementary to the ECC work, and vice versa.

4 Procedures for Co-operation

4.1 General

There is a need to establish procedures, in particular, for the development and review of the following deliverables:

a) Harmonised Standards developed under a Mandate from EU/EFTA

In this case, ETSI will develop Harmonised Standards when the Mandate has been accepted, based upon the essential requirements as given in the appropriate Directive. ETSI should inform the ECC on its mandate to develop a new or revised Harmonised Standard. The ECC will, if applicable, identify the available resources and related regulatory conditions. In addition, the ECC may advise the Commission and ETSI on the requirements for the effective use of the radio frequency spectrum, satellite orbits or numbering resources and related provisions in conformity with the appropriate European Union legal instrument.

b) other ETSI deliverables on electronic communications

ETSI will develop deliverables reflecting the relevant requirements, co-ordinated as necessary with the ECC. In this case, ETSI should indicate to the ECC its wish to develop or review a deliverable and that there is a need to develop or review (a) related ECC Decision(s) and/or other related deliverables.

c) ECC Decision (or other deliverable) relevant to an ETSI deliverable

The ECC should indicate to ETSI its wish to develop or review an ECC Decision or other deliverable, relevant to an ETSI deliverable and that there is a need to develop or modify the ETSI deliverable(s) related to the issue of the ECC Decision or deliverable.

d) ECC Decision (or other deliverable) for which no ETSI deliverable is available or foreseen

The ECC may also request advice from ETSI in case it wishes to develop an ECC Decision or other deliverable for which no ETSI deliverable is available or foreseen.

In all cases the ECC and ETSI have the shared obligation to identify and make known those requirements which contribute to the efficient use of the available resources.



4.2 Important steps in the co-ordination process

The steps indicated below may be of particular importance in the procedures quoted in section 4.1.

Once the requirement for a new, or modification of, a Harmonised Standard or another ETSI deliverable has been identified by one of the parties, one of the first issues to be addressed by the initiating party (in case of a Harmonised Standard, ETSI is considered to be the initiating party) will be to clarify whether there is a need for the other party to start the preparation or modification of a corresponding deliverable. If so, then the initiating party should contact the other party.

- Both parties should exchange the working assumptions for new deliverables;
- Both parties should exchange information on the time plan for their activities.
- This exchange of information shall usually occur via the liaison officers appointed by ETSI. Where appropriate, the ECC should appoint its representative(s) to the relevant ETSI meeting.
- The addressed party will respond to the initiating party, taking due account of the indicated time plan, with a liaison statement indicating an initial response to the given working assumptions and time plan (ETSI may also provide an ETSI "System Reference Document"⁵, that may also be published as an ETSI Technical Report).
- If there is any disagreement, further questions, or need for more information on the liaison statement, further consultation shall be taken up as soon as possible.
- As appropriate, the ECC should timely identify, confirm or otherwise the availability of relevant regulations, or initiate the development of the necessary regulations (e.g. concerning spectrum availability). The ECC will also have to develop guidance on the related regulatory conditions (e.g. spectrum sharing criteria) for the proposed ETSI deliverable. This will be summarised eventually in a detailed ECC liaison statement, which may also form the basis for an ECC Decision, an ECC Recommendation or another ECC deliverable, which may be developed in parallel with the development of the ETSI deliverable. This ECC liaison statement will be drafted in close co-operation and co-ordination with the appropriate ETSI Technical Body/ies.
- Each party shall inform the other if, during the development of its deliverable, it comes to the conclusion that, in order to fulfil the objectives of the deliverable, it has to reconsider the initial working assumptions, e.g. taking account of conclusions of spectrum compatibility studies. Both parties shall in this case reconsider whether a renewed agreement can be achieved.

5 Exchange of information

The ETSI Secretariat shall inform the European Radiocommunication Office (ERO) of documents entering the ETSI approval procedure and make these available.

The ECC shall inform the ETSI Secretariat of documentation entering the ECC consultation procedures and make these available.

⁵ A template is available on the ETSI server: EG 201 788.



Both parties shall grant the liaison officers access to their electronic documentation system in order to make these procedures for co-operation effective. This exchange of documentation shall be free of charge.

The dissemination by one Party of the documents received from the other Party will be limited to the members of the receiving Party, on a 'need to know' basis.

All copyrights, and other intellectual and industrial rights, embodied in documents exchanged between the ECC and ETSI and any copies thereof, remain with the originating Party.

