



Wireless Telegraphy Act Licensing Policy Manual

A practical user guide to licensing policy

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Section 1

Introduction

This manual aims to provide an overview of the Wireless Telegraphy Act licensing policy procedures for Ofcom. This manual will be periodically updated when policy and procedures change.

This manual lays out the provisions of the Wireless Telegraphy Act 2006 and Ofcom's role in managing the radio spectrum and granting licences under the Wireless Telegraphy Act.

The Licensing Manual sets out the policy and procedures to be followed by Ofcom. It is available by contacting:

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London
SE1 9HA

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contact@ofcom.org.uk

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Section 2

Managing the radio spectrum: The role of Ofcom

Radio waves, used by millions world-wide, do not conveniently stop at political or administrative boundaries. Without adequate planning and management, radio signals from different users and services would interfere with each other and radio could become useless as a means of communication. It is the role of Ofcom to manage the radio spectrum so as to ensure that it is used in the most efficient and effective way for the overall benefit of the UK. Ofcom's statutory duties for carrying out spectrum functions are set out in the Wireless Telegraphy Act 2006 and the Communications Act 2003 and include having regard for availability and demand for spectrum, efficient and economic use, and a number of other duties.

Primary legislation

In the UK, radio use is governed by both primary legislation (Acts of Parliament) and secondary legislation (statutory instruments made under the Acts). Currently there are two main areas of primary legislation relevant to the radio spectrum:

- Wireless Telegraphy Act 2006 (the 'WT Act')
- Communications Act 2003 (the 'Communications Act')

Most spectrum provisions are now included in the Wt Act which was recently consolidated and replaces provisions that were contained in 6 different pieces of legislation. In particular, the WT Act requires that radio equipment may only be used under the grant of a licence except where regulations have been made to exempt specific types of apparatus from needing a licence to use it. The Communications Act now deals more widely with Ofcom's wider duties, but spectrum provisions are now largely contained in the WT Act.

Independent television and radio stations and restricted radio and TV services may also need a Broadcasting Act licence. Licences are issued by Ofcom. The WT Act no longer requires that a Telecommunications Act licence is needed to run a telecommunications service, but the Act sets out a framework for providing such services.

Secondary legislation

Within an Act, there are powers to make secondary legislation typically in the form of regulations or orders. Regulations made by Ofcom under the WT Acts include:

- licence exemption regulations - details of current exempted equipment;
- licence charges regulations - current fees for licences;
- limitation of number of licences regulations - details of the number of wireless telegraphy licences granted for which frequencies and purposes;
- trading regulations which enable licence transfers and the publication of a transfer register;
- register regulations which give details of licences on issue;
- regulations which limit interference in certain equipment;

- regulations that restrict the use of certain prohibited radio equipment;
- further regulations which Ofcom expect to make include procedures for issuing licences and Recognised Spectrum Access (RSA) regulations; and
- regulations made from time to time when competitions for specific awards of spectrum are commenced. These are separately announced at the time of making.

Other secondary regulations are made by The Secretary of State under the European Communities Act 1972 to implement European Directives. Such regulations which impact on Ofcom include:

- SI 2000 No. 730, the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 - implementing the R&TTE Directive.

In 2003 a new set of Directives for Electronic Communications came into effect. This included a Framework Directive (2002/21/EC) and an Authorisation Directive (2002/20/EC). The provisions affecting wireless telegraphy use were implemented in the UK through the Communications Act 2003 and associated implementing Orders.

Section 3

The Wireless Telegraphy Act 2006

The WT Act 2006 consolidates and provides a number of separate functions. These include:

- Ofcom's general spectrum functions and duties
- Directions on Ofcom by the Secretary of State
- Requirements for the publication of spectrum plans
- Licensing and exemptions from licensing and the terms and procedures for licensing
- Charging for licences
- Grants of "Recognised Spectrum Access"
- Bidding for licences
- Trading and registers
- Statistical information
- Enforcement and penalties
- Restrictions on apparatus
- Many other supplemental provisions relation to Ofcom's spectrum management role.

The provisions relating to licensing are explained in more detail in this document. The WT Act also consolidates the provisions for licence fees to be set by regulation (administrative incentive pricing) or by auction to reflect the requirement on Ofcom to have particular regard to promoting spectrum functions. This refers *inter alia* to:

- efficient use and management of the radio spectrum;
- economic benefit from the use of radio, including consumers;
- innovation; and

- competition in electronic communication services

How spectrum authorisation policy is determined

Ofcom has also to comply with Radio Regulations of the International Telecommunication Union, which are adopted at World Radiocommunication Conferences usually held every three years. This forms the framework globally for regional and national planning. The UK is bound by treaty to these arrangements. These policies set the international high level framework for spectrum allocation, but as explained in the next section, Europe has a number of mechanisms for determining European Allocations and decisions for harmonising use.

Within this international framework, the UK determines UK allocation policy. Ofcom liaises with the UK Government through co-ordination arrangements which are also explained below. From these arrangements Ofcom publishes a series of documents relating to the way spectrum is allocated for use in the UK, which are available on the spectrum portal on our website.

This has now been superseded by Ofcom's Spectrum Framework Review which was published in November 2004 and other publications e.g. the UK Frequency Allocation Table. The UK Frequency Allocation Table covers the whole radio spectrum from 9 kHz to 275 GHz. It identifies the responsibility for management of those frequency bands or services where management has been agreed, showing whether they are managed by Ofcom, the Ministry of Defence, or another Government department.

<http://www.ofcom.org.uk/radiocomms/isu/ukfat/>

The policy for authorising use of spectrum is decided on a class by class basis and is largely detailed in the following chapters of this manual. The WT Act includes some new requirements introduced in 2003, which require Ofcom to produce a Frequency Authorisation Plan <http://www.ofcom.org.uk/radiocomms/isu/ukpfa/> detailing all the frequencies and products for which authorisation may be sought.

How policy is publicised

Ofcom is developing various new communication tools that it uses to publicise its stated policy on the use of the radio spectrum. These are published on the Ofcom website.

A series of guidance notes on the radio spectrum are also provided to stakeholders, which give up-to-date information on the respective subjects.

<http://www.ofcom.org.uk/radiocomms/ifi/>

Section 4

What is a licence?

A licence is an authority granted by Ofcom authorising a named person (or persons) to install or use radio equipment in a clearly defined way. In legal terms a 'person' may be an individual operating a business from his own premises, or two or more people acting together as a partnership, or a company or an incorporated association.

For further information on the legal status of a licence, please refer to section 7.

A licence consists of a licence document, a set of general terms and conditions, and a licence schedule or schedules. The licence document contains the licence prefix (or 6 figure sector/class/product code) and number, the licensee's name and address, the licence issue/start and renewal dates.

A generic "General Licensing Conditions booklet" has been produced for most licence classes, and is available on Ofcom's website.

The licence schedule lists the technical parameters of the service or services (a licence may have more than one service - some licences have several hundred services) covered by the licence. There are a number of standard clauses contained in the schedule section, covering areas applicable to all licences of the same licence class, including: apparatus, inspection, and interpretation. These standard clauses define the rules of use for all radio systems.

Other conditions including frequencies which may be used are added to the licence schedule in the form of clauses. A requirement for using apparatus in compliance with technical and operational conditions may be specified in a published "interface requirement". These interface requirements are explained in section 20.

The radio spectrum is a finite resource for which demand greatly exceeds supply in many frequency bands and in many well populated geographic areas. This means that the use of frequencies needs careful planning in order to make the best use of the available spectrum, as well as ensuring that minimum interference is caused to authorised radio users. The basis for this planning is through the issue of licences - enabling Ofcom to control and plan the use of the spectrum effectively and efficiently. The installation or use of a radio service without a valid licence is an offence under the Wireless Telegraphy Act 2006. The only exceptions to this are where equipment is 'Licence Exempt', or if the radio equipment is used by the Crown.

Section 5

Different classes of licence

Every licence issued by Ofcom will fall into a sector (e.g. 'Aeronautical' or 'Maritime'). The sector is in effect the type of service (at a high and very broad level) the licence is intended to be for. The type of service is then defined further to the licence class allocated (e.g. - within the Aeronautical sector - 'Aeronautical Ground Station (Air traffic control/ground movement control)' class and 'Aeronautical Ground Station (General Aviation)' class). At this stage the licence is still not personalised to the customer and is still generic in nature.

At the next level the licence is narrowed to the specifics of the customer's system. This is done through the use of a licence schedule. However there may be exceptions, see Unit manuals for reference.

All of these licences issued by Ofcom then fall into three different types of licence. These are:

- **Pre-packaged** - an 'off the shelf' licence that mostly requires no specific assignment or co-ordination. An example of this is a licence to use a CB radio.
- **Customised** - a licence that is 'hand crafted' to specific needs. This may involve an individual assignment and/or the need to be co-ordinated with

other services to reduce the possibility of interference. Fixed links comes into this class.

- **Spectrum** - This authorises the use of a whole block of spectrum. Within the licence conditions the licensee can utilise the block, as they find most appropriate. This type of licence mainly affects the public networks area.

There are exceptions to the above descriptions - for example, certain pre-packaged licences require co-ordination. Another point to note is that the licence document will greatly vary in terms of size and detail depending on the type of licence needed.

Section 6

Where to obtain a licence

Most Wireless Telegraphy Act licences are available from Ofcom headquarters and are accessed through the details published on Ofcom's spectrum portal on the website. Some other types of licences have been contracted out to private companies, either because they are easy and quick to process (e.g. Amateur licences) or because they require particular expertise (e.g. Programme Making). Whatever means of licence issue is deployed; all licences are issued on behalf of Ofcom and in accordance with the Wireless Telegraphy Act.

<http://www.ofcom.org.uk/radiocomms/ifi/licensing/>

What happens before a licence is granted

Everyone must apply and be issued with a licence before they can install or operate a service, or install and use equipment (unless the service or equipment has been made exempt). The majority of licence applications are made by completing the relevant application form (available from the website or on request) and sending the form to Ofcom.

For use of radio stations and networks which involve high antennas or powerful transmitting equipment being installed, part of the licence issuing process might involve a process called 'site clearance'. The site clearance procedure enables existing users of the radio spectrum to conduct an assessment of a range of site specific compatibility issues, e.g. blocking, inter-modulation, obstructions etc and, if there is a potential problem to provide comments back to the Radio Site Clearance Committee (an inter- Governmental group) and 'hold' an application until a satisfactory solution has been agreed by all parties.

The procedure **does not** take into account the effect of radio services on non-radio equipment, e.g. electronic devices, unless there is a direct safety-of-life concern. The procedure does therefore consider aircraft and munitions, which could malfunction in the presence of radio transmissions

Site clearance should not be confused with obtaining planning permission to put up a Mast site. Ofcom has no responsibility for planning permission which is a matter for local authority planning departments.

Stations and networks for some locations and classes also require co-ordination arrangements with other countries before rights to use them can be granted. These reflect international agreements with those countries. These arrangements are also detailed in the following chapters.

Time-scale for new licences

For new licence applications, there are targets for licence issue after receipt of correctly completed applications. These will be separately published from time to time. However there is an overall requirement in the WT Act to process licences or further grants of rights to use frequencies within 6 weeks, except in cases which involve international co-ordination.

E-Licensing /signatures

Under the Electronic Communications Act 2000 an application form sent electronically has the same status as the same form sent on paper. Ofcom will issue a licence in good faith to the person named and the customer will be given one month to notify them if the licence is incorrect.

Renewals

Most licences issued by Ofcom may be renewed annually (unless stated in the licence or the licensee wishes to surrender the licence at the end of the year). Licences are renewed upon payment of the renewal fee, for which Ofcom will make every reasonable effort to send reminders, although responsibility to renew a licence lies with the Licensee. If you are a current Licensee, you are sent a renewal notice six weeks before the renewal date. It is then your decision whether to renew or cancel your licence. A final notice one-week prior to expiry is sent out to the licensee. If fees are not paid, then the licence will lapse at renewal date, and any use of the equipment concerned would not then be licensed. See section 11.

Ofcom may publish targets for processing renewals.

When the renewal fee is received Ofcom will send a renewal receipt document which confirms receipt of the renewal fee and states the next renewal date. Ofcom does not normally issue a new licence document each time a licence is renewed, except for certain classes.

Service levels

Ofcom may improve the level of service offered to customers through greater flexibility in methods of payment as well as timing of licence renewals. Policies on both these areas are under discussion, but are expected to generally arise when several licences are held and go along the following lines:

- To offer the customer the opportunity to re-set the renewal date for each licence to a common renewal date. This will not be compulsory, nor will it be necessary to harmonise every licence held by an account customer
- If the customer has a large number of licences, two renewal dates can be chosen. The account customer can then align a given licence to either of the dates. By using two dates the customer can prevent possible administrative/ cash flow problems arising due to uneven flow of cash/ administrative work
- A given harmonisation date can be one of the Licensee's existing renewal dates

Section 7

Persons who may be licensed

Under the terms of the WT Act, the licence is the instrument by which Ofcom authorises the use of radio apparatus to “a person” in a clearly defined way. In legal terms “a person” may be an individual operating a business from their own premises, or two or more people acting together in partnership, or a company or an incorporated association.

Sole proprietor or individual

A person may apply for a licence in his or her own name. If the person runs a business solely in their own name then that person is known as the sole proprietor. In legal terms, that person is wholly liable for all aspects of the business and all its obligations. If a person operates a radio system then they must hold a WT Act licence in their own name.

If a person changes their name (e.g. through marriage), the licensee must provide a copy of their marriage certificate to the appropriate local office before their licence can be amended. The process is the same for licensees who change their name by deed poll, in that the licensee needs to provide a copy of the certificate of deed poll to the appropriate local office prior to an amended licence being issued.

Partnerships

Partnerships of individuals acting together to form a business for profit are fairly common amongst WT Act licensees. The simplest form of partnership is two people forming a common trading business. In such cases it is usual to state full names of both partners as the licensee in this instance.

However, where there are a number of partners (e.g. accounting firms), the licensee will be expressed to be either named partners or partners at the time of the grant of a licence. The licence will expire either when all the licensees had ceased to be partners or when a new partner had joined the partnership after any licensee had ceased to be a partner in the same partnership.

Public corporations and public bodies

There are many statutory bodies who may hold a licence (e.g. Local Government Authorities, public regulators, transport authorities). The licence would be issued in the legal full name of the authority and issued to an officer of that corporation or body. Some public bodies may also govern public institutions like libraries, schools and colleges. If such institutions have a separate legal identity then they should be licensed in that identity. If not they should be licensed under the appropriate body. Private schools and colleges would depend on their legal constitution. Many private schools may be run by trustees (see below).

Trustees

In the case of Trustees, the licensee(s) are named as the trustees of the particular trust at the time of applying for the licence.

A new licence will be required when all the named licensees have ceased to be trustee. However, Ofcom will not charge from the renewal date.

Clubs and societies

The licensee(s) of Clubs and Societies are expressed to be either the named trustees or committee-members or the trustees or committee members at the time of the grant of the licence. The licence will expire either when all the licensees had ceased to be trustees or committee member.

Partnerships in Scotland

In Scotland only, under the Partnership Act 1890 partnerships have a different legal status in that they are regarded as a distinct corporate entity rather than two or more persons acting together.

General rule

It is important that any changes in the name or configuration of persons holding a licence are promptly notified to Ofcom. This may involve the need to re-issue licences. Licensees are reminded of this when licences are renewed.

Registered companies

Under UK Company Law, businesses may incorporate to form a company, which limits their liability to that of the business itself and not its owners. There are two main forms of registered company, these being (i) Limited Company (Ltd) or (ii.) Public Limited Company (Plc).

Registered companies must be registered at Companies House, where trading details are sent for filing and made available for public scrutiny. All companies must have a director and a company secretary.

For any registered company applying for a licence, the licence must be held in the full registered name of the company. All companies are issued with a certificate of incorporation, which includes a unique registration number that Ofcom requires for certain licence classes. Companies are also required to state their number and registered address on all company correspondence.

Joint ventures

A joint venture which may be granted a licence can be either:

A group of companies who have established a separate corporate vehicle for the purpose of carrying out a specific project; or
a partnership of a number of limited companies.

Where a joint venture is a separate corporate vehicle it would be the corporate vehicle, with a separate legal identity and registered as such with Companies House, that must be licensed.

In the case of the joint venture being a partnership of a group of limited companies, each of the individual limited companies would have to be named on the application form in the same way as a partnership of individuals.

Death of a licence applicant

Should a licence application be received along with the relevant licence fee but the applicant dies before the licence is issued, the payment will be returned on

notification of death. Evidence of the licensee's death in the form of a copy of a "Death Certificate" will be needed before a refund is made.

Discounts applied to certain charities

For some licence classes the licence fee may be reduced for charities. This applies to applicants where their sole objective is the safety of human life in an emergency.

Such applicants are referred to as "a qualifying charity" and as such are entitled to pay half the prescribed licence fee for their licence.

In order to ascertain that a charity is registered and has legal status, Ofcom requires a charity to supply both its charity and company/ charity registration numbers when applying for a licence.

Section 8

What do we mean by the Crown?

The Crown includes Parliament, government ministers and its servants. Generally core central government departments fall within the definition of the Crown.

Other government bodies including non-departmental public bodies, office holders, commissioners, and regulators may also be considered as the Crown if the statute bringing them into existence confers upon them Crown status.

However, not all government bodies are considered to be the Crown. Some of the newer government bodies have been formed without being conferred Crown status. Recent examples include the Data Protection Registrar and the Teacher Training Agency. Some bodies defined as the Crown will lose their Crown status when they are privatised.

Unfortunately it is not possible to get a definitive list of what is meant by the Crown.. Where the status of a body is not clear it will be necessary to contact the body concerned to establish its legal status with regard to the WT Act.

Authorisation of radio use by the Crown

Under the WT Act, the use of apparatus for wireless telegraphy is unlawful unless authorised by a licence granted on behalf of Ofcom or is made licence exempt. Whilst this does not apply to the Crown, Ofcom recognises radio use by the Crown, by using a licence with a "side letter".

What is a Side Letter?

A 'Side Letter' recognises the use of radio by the Crown. Attached to this are the licence terms and conditions and schedule. The Side Letter asks the Crown to abide by the described terms and conditions in the same way a normal licensee would be required to, and reminds them that should they not, the Agreement detailed in the Side Letter will be cancelled.

Section 9

The transfer of licences

Radio users can only obtain access to the spectrum through a Wireless Telegraphy licence unless it is a part of the spectrum that is exempted from needing a licence.

In December 2004, certain fixed wireless access, business radio and fixed link licence classes became tradable. Spectrum trading allows the holders of these licences, granted by Ofcom under section 1 of the Wireless Telegraphy Act 2006 to transfer all or part of their rights and obligations under their licences to another party. Ofcom will use spectrum trading as an additional market based spectrum management tool, to complement spectrum pricing. For more information see

<http://www.ofcom.org.uk/radiocomms/ifi/trading/tradingguide/>

Spectrum trading is much more efficient when used in conjunction with spectrum liberalisation. Spectrum liberalisation allows greater freedom to decide how to use spectrum. Traditionally, wireless telegraphy licences have specified the use to which spectrum can be put and the means by which that spectrum can be exploited, including details of the services that can be offered and the wireless technology and its operating parameters. Spectrum liberalisation involves the reduction or removal of these restrictions. In January 2005, Spectrum liberalisation was introduced in Business Radio, Fixed Wireless Access and Fixed Links sectors for more information see;

<http://www.ofcom.org.uk/radiocomms/ifi/trading/libguide/intro>

It is anticipated that the market, once active, will provide an additional source of spectrum. Licensees would be able to transfer assignments more easily, e.g. when businesses change hands. Initially, trading will only apply to certain radio classes.

It should be noted though that spectrum trading will complement and not replace regulatory procedures already in place. These procedures are needed to ensure compliance with international obligations and safeguard spectrum access to essential services and small businesses.

Can licences be taken over?

As outlined in the previous section, Ofcom has introduced procedures for trading the right of certain licence classes. For classes where trading has not yet been introduced, the following paragraphs still apply.

Radio systems may be bought/sold but depending on circumstances may not be re-licensable. The intention to take-over should be notified to Ofcom in advance for a ruling on that point. Frequencies may or may not be re-licensed to a new person/company/other corporate body. There is no obligation on Ofcom to re-licence. Take-overs of radio systems and frequencies are often referred to incorrectly as take-overs of licences.

The current arrangement is that the licence is revoked (the licence of the current holder), and a new licence issued by Ofcom for the prospective owner. Because in essence this is a 'take-over' of the service, confusion can occur, and on occasion this technicality can be important.

It should be noted then, that as the licence is technically revoked and a new one issued, spectrum management policies/requirements may mean that the same (or any) frequencies are not available to the future owner. Accordingly, transferability of identical frequency and continuity of technical parameters or equipment in service is not guaranteed (e.g. parameters may need to meet more recent guidelines). However, Ofcom generally does undertake to make every attempt to provide authorisation for the same frequency/technical parameters/equipment in service where possible.

The only difference to this 'take-over' procedure is where the prospective owner already holds a licence of the same class as that being taken over. If this is the case then the new assignments/services can simply be added to the existing licence, with no need for an entirely new licence to be issued (although in some cases a new licence will be needed. Again transferability is not guaranteed.

What is required when 'taking over' a licence?

To take over a service a new licensee must:

Fulfil the criteria required that is to be issued with a licence.
Complete the relevant application form.

Pay the relevant licence fee (either on takeover, or at renewal date if Ofcom so agree).

Obtain consent in writing from all of the previous licensees or their legal representative agreeing to the take-over and send it to Ofcom. If written consent cannot be supplied, the new licensee must provide a statutory declaration explaining why it cannot be supplied, together with any supporting evidence.

What is a statutory declaration?

A statutory declaration is a voluntary declaration taken by a solicitor or other authorised person. A false statement made in a statutory declaration is an offence under Section 5 of the Perjury Act 1911.

Streamlining 'take-overs' at renewal:

The take-over of a licensed service of one customer from another comprises two stages:

- Licence revocation
- New licence application processing

As the bulk of take-overs are notified at renewal, to make the overall process simpler to administer the reverse of the renewal notice provides a form for requesting a take-over. The form will capture the prospective licensee's customer details, together with a signed declaration from the existing licensee agreeing to the take-over. This method has a number of benefits:

- Licensing Units spend less time processing and monitoring take-over requests.
- The process is shortened because the customer is not sent a separate application form to complete.
- The occurrence of licences having to be suspended from revocation while the take-over is progressed is reduced.

However it should be noted that this streamlined take-over service at renewal is only available on some licences at present.

Section 10

Status of licensing information

Broadly, sensitive information relating to a licence will be regarded as a confidential matter between ourselves - Ofcom (as the statutory authority) and the licensee/applicant. Generally this information will include details about a person and technical parameters of their licence/application.

An obvious exception to the above is if, on application, the licensee consents to the specific disclosure (e.g. to the radio supplier installing the system) or the application is, as often happens, routed to us through the supplier.

A further exception applies under the European Authorisation Directive, which requires transparency in the award of licences for which there has been some form of competition because of spectrum limitations.

Under section 170 of the Communications Act, in order to facilitate trading Ofcom has power to make regulations to make provision for the establishment and maintenance of a register of relevant licensing information. This information is available at <http://www.ofcom.org.uk/radiocomms/isu/ukpfa/intro>

The Data Protection Act 1998

The Data Protection Act provides further protection for the personal data of individuals, defined as anything that is identifiable with an individual, held on computer, on paper or on other media such as sound or video recordings. It prohibits disclosure of personal data except to persons specified in particulars registered with the Data Protection Registrar and in certain circumstances set into this 1998 Act. However, where data is published because there is a statutory provision to do so, this normally overrides the provisions of the 1998 Act. It is anticipated that the Communications Act provision to have a register of licensing information may include personal data relating to licensing information.

The Freedom of Information Act 2000

The Freedom of Information Act allows anyone the right to ask for information held by Ofcom. Ofcom may be requested to disclose information provided by a third party. Information that has been obtained under a statutory power or considered to be commercially sensitive may be regarded as confidential and potentially covered by exemptions under the Act. Ofcom may contact the owner of information in order to discuss disclosure before deciding whether to release the information.

Disclosure to other government departments or police

Ofcom may sometimes receive requests for disclosure about individuals from government bodies such as the Inland Revenue, Customs and Excise, Local Council Fraud Offices, and the Police. Ofcom is registered under the Data Protection Act 1998 but may disclose information to investigators of this kind but the general rules only permit disclosure under certain circumstances e.g. where disclosure is required by law.

Section 11

Revocation of licences

Revocation of a licence can occur for a number of reasons. These reasons may include where:-

- A breach of the licence has occurred, which means non-adherence to the terms and conditions of the licence. The severity of the breach will be a determining factor in the extent of the action; ultimately revocation and legal action may be required (e.g. non-payment of renewal fees).
- The licensee is not using the spectrum in a responsible manner (e.g. if the licensee has previously breached another licence's conditions).
- Compliance with a Direction from the Secretary of State
- The use of the radio equipment is causing or contributing to undue interference, to the use of other authorised radio equipment.
- For non payment of licence fees at the renewal interval for licences which run on from year to year. This is the most common reason for revocation. Consequently the reminder process for payment of renewal fees starts 6 weeks before a licence is due to be renewed, when Ofcom sends the licensee a renewal letter stating the date the licence needs to be renewed by, the cost of the licence and assignment that the licence covers. The day after the licence should have been renewed, an intention to revoke letter is sent to the licensee, stating that they have one month to make representations or pay the licence fee.

For all revocations and variations, Ofcom (except where the licensee consents) must give the licensee a notice stating the reasons for the revocation and specifying a period (generally a month) during which the licensee can make representations or, where a licensee is not complying with the terms of a licence, comply with the licence terms.

Appeals against a revocation can be brought under the terms of the WT Act.

How the appeals process works

A person aggrieved by any of the above decisions, can appeal on either or both of the following grounds:

- That an error of fact has been made
- That an error of law has been made

The Communications Act has provided new arrangements for appeals to heard by the Competition Appeal Tribunal (CAT). These include:

- Appeals decided by the CAT on the merits and by reference to the grounds of the appeal set out in the notice of appeal
- The CAT must include in its decision, a decision as to what (if any) is the appropriate action for Ofcom (or other decision taker) to take in relation to the subject- matter of the decision under appeal
- The CAT may then remit the decision under appeal to the decision maker with such directions (if any) as the CAT considers appropriate to effect its decision

- A decision of the CAT may be appealed to the Court of Appeal or Court of Session (in Scotland) on a point of law.

Section 12

Licence exemption

The licensing regime is established to enable careful planning of the radio spectrum which is a scarce resource. However, some types of radio equipment are licence exempt (i.e. they do not need a WT Act licence to use certain specified frequencies). Equipment is made licence exempt by Regulations made under the WT Act using a Statutory Instrument (SI). New provisions introduced in 2003 require that Ofcom must exempt radio stations, equipment or apparatus where satisfied that their use is not likely to involve any undue interference to other legitimate use of radio spectrum or is contrary to an international obligation.

Qualification for exemption is related to the nature of the equipment/frequencies being used. Factors influencing whether undue interference occurs are:

- Particular frequency assigned for transmission
- Power of transmission
- Use to which equipment is put
- Compliance of equipment with agreed national or international standards, whichever takes precedence.

Because Ofcom will not have much information about the location and use of licence exempt apparatus/ equipment, it is impractical to investigate or manage the interference to, or between, items of exempt apparatus/equipment. Users of such equipment should be aware that there may be heavy sharing at certain locations and the ability of equipment to withstand interference may depend on its design, quality and robustness. There are many past examples of poor quality equipment failing to work in the proximity of compliant licensed networks and services using other frequencies. Ofcom has no powers to regulate the quality of such devices if they comply with the minimum international standards.

When considering frequencies suitable for exemption Ofcom must take into account the difficulties involved in subsequent re-allocation of the spectrum. The problem arises due to the nature of unlicensed / exempt frequencies - i.e. no or very little data exists on its use (who, where, what etc.) – which means that changing the designated use of the spectrum takes time and is difficult to do. Nevertheless Ofcom will continue to make exemption regulations wherever possible.

Section 13

Licensees who are not resident in the UK

WT Act licences only apply for terrestrial use in the United Kingdom, and in certain cases the Bailiwicks of Jersey and Guernsey, the Isle of Man, UK territorial waters and airspace. The use of any stations or apparatus outside these areas may be unlawful in other states except for those classes where international reciprocal

arrangements may apply (e.g. for UK registered craft and vessels, certain satellite and amateur radio uses).

There is no requirement for persons to have a presence in the United Kingdom to become licensees for all classes of WT Act licences, except that the radio classes for Ships and Aircraft only apply to UK registered vessels or aircraft under international arrangements.

Nevertheless it is desirable to have some presence or arrangements to facilitate functions such as licence renewal, variation or revocation of a licence or the ability to take urgent action if a station ceases to act correctly.

Therefore Ofcom will ask non resident licensees to provide a contact point/address in the UK to enable them to be in a position to comply with standard licence clause conditions on inspection and closedown etc.

Section 14

Setting prices for licences

The WT Act 2006 permits two different ways of setting the prices for different parts of the radio spectrum:

1) Administrative Pricing

Administrative pricing involves the spectrum manager in setting the level of licence fees as a surrogate for market forces (in other words, setting the fee to reflect the opportunity cost associated with use of the spectrum). Most licence fees are set by administrative pricing rather than auctions. Licence fees are set by regulations (Statutory Instruments). The WT Act 2006 requires consultation as a step in making regulations. Administrative pricing may include such variants as:

- Incentive pricing – where an attempt is made to set prices to promote particular aspects of efficient use.
- Regulatory pricing (cost based pricing) – where fees are set unrelated to market considerations, e.g. to recover spectrum management costs.

2) Auctions

The WT Act 2006 also permits auctions to be used to determine prices. Auctions are used selectively and are only planned for new national and some regional services e.g. Broadband Fixed Wireless Access and 3G auctions.

Auctions offer important advantages of:

- Economic efficiency – a well-designed auction ensures that licences are awarded to operators that value them most and can generate the greatest economic benefit.
- Fairness – a selection by administrative pricing criteria is more subjective and less transparent.

- Being less unfavourable to new market entrants – comparative selection tends to favour incumbents with established track records.

3) Pricing Regulations

As stated earlier the WT Act permits Ofcom to set fees for WT Act Licences. Regulations detailing the new licence fees to be charged are made from time to time. Before this is done Ofcom initiates a consultation exercise, setting out the fees to be charged and the reasoning behind the fee level for each relevant licence class, seeking comments from those affected by the changes.

There is also a statutory requirement to publish a notice of proposed charges and allow at least one month for representations to be made concerning the proposed changes. Once the month's deadline has passed (and subject to no objections being raised or reasonable objections overcome) Ofcom may make a Statutory Instrument, allowing Ofcom to charge the new fees levels. Ofcom also publishes a Regulatory Impact Assessment (RIA), which briefly describes the issue that has given rise to a need for legislation, the risks, costs and benefits of the proposal and who is affected.

The overall responsibility for the fees setting exercise lies with the Spectrum Markets Team and any queries on this section should be addressed to them. All notices and documentation relating to the consultation and fees setting exercise will be published on the Ofcom website. Ofcom's objectives for pricing were set out in the Spectrum Pricing Consultation issued on September 2004.

<http://www.ofcom.org.uk/consult/condocs/wireless/>

Section 15

Licence variations

Ofcom may vary licences from time to time. This may be at the request of the licensee or where Ofcom wishes to make a change. Most customer requests fall into two categories:

- Customer Details e.g. a request to change the administrative details of the company
- Technical Details e.g. a request for an additional station or service

Licensees must not make changes of any kind that would take them outside the boundaries of the licence unless authorised by a licence variation or new licence. Applications for variations should be made using the appropriate licensing forms or through correspondence.

In accordance with a new provision of the Wireless Telegraphy Act, where Ofcom proposes to vary (or revoke) a licence, Ofcom will send a notice to the licensee. This notice may give a month in which the licensee can state any objection or concerns about the proposed change. Ofcom must consider those representations before confirming whether or not the variation will be made.

Examples of customer detail amendments

Customer details means information which is related to the licensee, i.e.:

- Legal/Licensee name and address

- Trading name
- Contact names and addresses
- Bank details
- Account and transactions

Examples of technical detail amendments

A technical amendment is a change to anything that relates to the use of the radio spectrum, e.g.

- Change of equipment
- Moving a base station
- Requesting a new channel or frequency assignment
- More or fewer mobiles
- Additional base stations
- Change in power or other operating parameter

Requests for amendments to a licence's technical details should be made in writing, using the appropriate application form, where available from Ofcom

<http://www.ofcom.org.uk/radiocomms/ifi/licensing/>

Changes to technical information in any part of the licence can only be made by authorised Ofcom personnel. Currently, most technical amendments do not attract a fee. There are however exceptions such as the addition of a new chargeable service being added.

If an amendment changes any of the details that appear on a licence schedule, a revised licence schedule will be sent to the licensee. The equipment varied cannot be used until the change to the licence is confirmed by Ofcom.

Charging for amendments to licences

Charging for amendments to licences is based on the provisions in the Licence Charges Regulations. Normally these sums are collected at the time the licence is renewed.

Section 16

Additional schedules:

An additional schedule is needed where a licensee wishes to add a new system/service in the same licence class as the licence held - although in some cases a new licence will be needed, see Unit manuals for guidance.

Should the licence held and the new system/service desired be in differing classes then the licensee would need to apply for a new licence and not an additional schedule. In either case the licensee should apply in the appropriate method.

Section 17

How the accounts process works

The licence fee is calculated using the Fees Regulations in place at the time of an application or at the renewal date.

Renewal reminders are sent out six weeks before the licence renewal date, a renewal reminder is generated for each licence (excluding direct debit customers) for which the requested amount has not been received.

Means of payment

The following are methods of payment that Ofcom accepts;

- Bankers Draft
- Direct Debit
- Cheque
- Postal Order
- BACS/ CHAPS transfer
- *Credit/ Debit Card
- Cash (Sterling)

* Currently this facility is only available to customers by them filling in a credit card form on the renewal notice or application form and sending by post to Ofcom. There is a limit of £1000 for all credit/debit card payments.

Cheques and postal orders must be made payable to “Ofcom”. Ofcom collects direct debits on the renewal date or on the last working day of the month, if the renewal date falls on a weekend or public holiday.

Normally the full fee must be paid before the due date. However Ofcom recently implemented a new facility for payment of large sums by instalment.

Section 18

Failed receipts

Cheques

When a bank returns a cheque to Ofcom, Ofcom will inform the licensee that the cheque has not been honoured. The letter will state the bank’s reason for failure and invite the licensee to submit a replacement cheque. If the renewal date has already passed, the licensee will be given notice of Ofcom’s intention to revoke the licence(s). If a replacement cheque fails, the licence will be revoked immediately and the licensee will be given one month to make representations to Ofcom against the revocation.

Direct debits

If a direct debit fails Ofcom will inform the licensee in writing that it has failed and ask the licensee to inform Ofcom whether they wish the direct debit to be re-presented or whether they wish to pay by another means. In either case the licensee will be given a month's notice of the intention to revoke the licence.

Refunds

If a licensee surrenders a licence before it expires, Ofcom will not give a refund for the unused portion of the licence. The only situation where a refund is applicable is when an applicant has paid for a particular service, but Ofcom is unable to provide that service due to the lack of available spectrum.

Section 19

Complaints about licensing

If you have a complaint on how Ofcom is conducting itself, please let us know, so that we can deal with your complaint as quickly as possible.

What to do if you have a complaint

If you have a complaint about Ofcom you will need to contact the relevant section in Ofcom that your complaint stems from. They will initially be in the best position to understand your complaint. If you speak to the relevant section on the phone, we advise that you follow this up in writing.

Complaints about another spectrum user

If you believe that someone may be acting outside the terms of a licence or you are receiving interference to your licensed network, Ofcom has a range of powers and arrangements for investigating and for enforcing compliance. Details are available on the Ofcom website.

Many interference complaints arise from unauthorised use. The table below helps summarise the actions that Ofcom may take for identifying unauthorised radio users or non-compliant equipment:

Offence	Action
Illegal operation	Ofcom's licences are designed to minimise interference between legitimate services. Ofcom will be happy to advise users to conform with their licensing requirements however any use which is not authorised is much more likely to cause interference and difficulties for others. In the case of serious or persistent breach of licensing terms Ofcom will take enforcement action to prevent interference. Those who operate illegally and continue to do so after warnings will

	be liable to prosecution under the WT Act. This may lead to summary convictions, prison sentences and/or fines. Equipment may also be forfeited.
Sale of non-compliant equipment	It is illegal to place radio equipment on the market (i.e. sell) which does not comply with the Radio Equipment & Telecommunications Terminal Equipment (R&TTE) Directive (see section 20). Non-compliant equipment could cause serious interference to authorised users. Ofcom monitors sales outlets and can issue notices prohibiting supply and can seize equipment as evidence for court proceedings and subsequent forfeiture. Sale of non-compliant equipment may lead to summary convictions, prison sentence and/or a fine.

Help available from Ofcom

Ofcom has a network of National and Regional Offices throughout the UK. The local staff, are the points of contact for many stakeholders, and carry out work in the following areas:

- Ensure that the use of radio and radio frequencies throughout the spectrum conforms to licence requirements.
- Investigate and take action to prevent undue interference
- Ensure that non-compliant radio is kept off the market
- Provide advice on radio communications and interference.
- Assign frequencies and issue licences for Business Radio (On-Site Speech and Data, Business Radio (On-Site One-Way Paging and Speech Systems), Business Radio (Wide area one way paging and speech systems), Business Radio (Wide area speech and data systems, Maritime Coastal station radio (International / UK / Marina)
- Carry out inspections of radio installations
- Offer a chargeable service in certain cases

Problems outside of Ofcom's regulatory responsibility

Often interference problems lie outside Ofcom's statutory responsibilities and should be dealt with by private sector service engineers, dealers or aerial contractors. These instances are usually when a radio or television has poor immunity to unwanted signals, or inadequate aerial arrangements, as opposed to interference from illegal use of radio or faulty electrical apparatus.

Ofcom can sometimes provide help and advice to business users of radio on matters outside its regulatory responsibility on a consultancy basis. For more information see: <http://www.ofcom.org.uk/radiocomms/ifi/enforcement/br/>

Section 20

Frequency planning and licensing

Ofcom have responsibility for planning the allocation of frequencies in the UK for non-military purposes. This is achieved through a number of international and national mechanisms as explained below.

Frequency allocation

In the UK planning of frequency allocations can be split into 3 sections:

- The Global level
- The European level; and
- The National level.

Global level

Planning of frequency allocations globally falls to the International Telecommunication Union (ITU), which is a United Nation Organisation based in Geneva, Switzerland, which currently has 185 member countries. The ITU is split into 3 Regions:

- Region 1 – Europe, Africa, the Middle East, Russia, Mongolia;
- Region 2 – The Americas, Greenland;
- Region 3 – Rest of Asia, Australasia, Pacific Rim

The UK is part of Region 1, (where the European Conference of Postal and Telecommunications Administrations (CEPT) are tasked with planning radio spectrum at a European level).

The ITU is generally tasked with regulating the use of the radio spectrum and the ITU Member States decide what procedures to adopt. The ITU usually holds a World Radiocommunication Conference every 3 years where various ITU Radio Regulations are revised by its final Acts, that in turn regulate the use of the radio spectrum internationally. The Radio Regulations have “Treaty Status”. They also contain the international frequency allocation table. This forms the global framework for regional and national planning. Some spectrum services are harmonised at a global level i.e. satellite and fixed services.

European level

Planning of the radio spectrum is conducted at the European level through the European Conference of Postal and Telecommunications Administrations (CEPT), which has 43 member countries. The CEPT structure dealing with spectrum planning is the European Communications Committee (ECC), which has 3 subordinate committees:

Working Group Frequency Management (WGFM)
Working Group Radio Administration (WGRA)
Working Group Spectrum Engineering (WGSE).

The ECC produces recommendations and decisions on spectrum usage. The Decisions, when implemented by member countries, form the basis for pan-European (not just EU) harmonisation of spectrum usage at the level of specific

applications such as cellular, digital, audio broadcasts, radio local area networks etc. The ECC also works closely with the European Community in support of the role the Community now takes in implementing the new Communication Directives, in supporting free circulation of radio equipment and in promoting harmonisation.

There is a growing trend within Europe and globally to harmonise the use of radio whenever possible. This means agreeing frequencies to be used for similar applications in neighbouring countries, and that where appropriate European standards and specifications are set out for the approval of radio equipment. The European Commission's Radio Spectrum Policy Group works closely with CEPT to co-ordinate a common European position. The EC Radio Spectrum Policy Group is also empowered to assist the commission in policy decisions to harmonise spectrum use. The UK is required to adopt any decisions taken.

National level

The Government oversees spectrum issues through a Cabinet Committee. The Military spectrum is managed solely by MOD. The Communications Act has placed responsibility for managing other spectrum to Ofcom, although the Secretary of State may from time to time make directions to Ofcom. Ofcom must therefore work closely with Government in planning spectrum use. But it remains independent in such matters as licensing. UK decisions on Frequency planning are set into the various tables and plans produced by Ofcom, which at the licensing level are published through the UK Plan for Frequency Authorisation.

Frequency assignment

Users of radio are assigned certain frequencies that they can use within the appropriate allocations so that the spectrum is used efficiently and without interference between users, e.g. PMR users are assigned certain channels in the land mobile service allocation.

Official authorisation for a user to use a certain frequency will come either through a licence or an exemption. The licence states certain service criteria that need to be complied with so that no undue interference occurs to other users.

Users that need to either modify, service/ repair equipment, do scientific research, train in radio theory and practice will need to apply for a WT Act Testing and Development licence, where a set channel will be provided under certain circumstances. Radio suppliers with PBR or Maritime Suppliers' licences can service and repair PBR and marine equipment respectively without needing a Test and Development licence.

For further information on assignment in the different sectors, please refer to the individual Unit manual.

European Directives

European Union Directives 2002/21/EC and 2002/20/EC set a new common framework for the management and use of radio spectrum. These are part of a wider package of measures for electronic communications and are enacted into UK law through the Communications Act 2003. They came into effect in July 2003.

In summary the aim of these Directives in relation to spectrum is to encourage Member States to have a consistent approach to effective spectrum management,

harmonising frequency use, minimising the need for licensing to conditions necessary for avoiding interference.

The WT Act 2006 extends to the Channel Islands and the Isle of Man. However, the EU Directives may not extend to those territories. Nonetheless, in order to ensure equality of treatment to all licensees, Ofcom has assumed that most WT Act licensing procedures will apply in these areas, except for a few measures where the islands have opted out (e.g. spectrum trading).

R&TTE Directive

Another EU Directive that has impacted on the radio spectrum is the R&TTE Directive that was implemented on 8 April 2000.

The Directive provides the European Radio and the Telecommunications Terminal Equipment industry with a more deregulated environment. The involvement of Ofcom in conformity assessment is not necessary in most cases. The person(s) who places equipment onto the market will, in general, be regarded as taking full responsibility for its conformity to essential requirements, and for properly informing users of its intended use. Only in the case of radio equipment not operating on frequency bands that are harmonised is it mandatory to consult Ofcom.

Further details of the Directive and Procedures for notifying new equipment being placed on the market are indicated in Annex 2 below

Interface Requirements

The use of Radio in the UK is licensed (or licence exempt) under the Wireless Telegraphy Act 2006. Licences are granted subject to certain terms and conditions, provisions and limitations, one of which may be to use only apparatus which meets specified requirements. That a product conforms to the R&TTE Directive and relevant "Interface Requirement" (IR) would signify that it should meet these requirements.

Often the end user of the equipment, the actual licensee, is in no position to know whether the equipment is operating within the limitations of the licence (for example whether it is giving out spurious emissions, which may affect other radio users). Compliance with the Directive, including IRs', enables Ofcom and the end user to have reasonable confidence that the equipment can be licensed for use, and used without causing significant interference to other users.

A list of all Interface Requirements can be found on the website.

General Comment about this manual

This document is designed to give an overall picture of policy on licensing procedures. Due to the nature of the organisation it is not possible to encompass every Business Unit with one policy manual and be fully comprehensive of every process and policy. As such, this document should not be taken as giving exact policy for all areas of licensing undertaken.

Please contact the appropriate business unit directly if you have any queries or concerns.

Revisions to this document will be done periodically or when there is a substantive need to update the document.

Annex1

Summary of Licence Exempt services for which no licences are required

Radio Equipment and services, which are, exempted from the individual licensing requirements of the WT Act 2006 by the Wireless Telegraphy (Exemption) Regulations 2003 SI No. 74 are subject to the technical criteria set out in these regulations. These may be summarised as:

Network user stations

User equipment under Public Mobile Operator Licences;
Public Mobile data systems (Non Voice only);
Digital cellular radio telephones; including 2G and 3G;
Universal Mobile Telephony System radiotelephone (UMTS);
Public Access Mobile Radio Equipment (PAMR);
Common Base Stations (CBS).
Meteor Burst data Systems;
CDMA spread spectrum data asset tracking systems;
Public two-way paging systems

Cordless telephone apparatus

CT1
Digital cordless telephone apparatus (CT2);
Digital cordless telephone apparatus (DECT).

Land Mobile Satellite Service (LMSS)

Land Mobile Earth Stations in the Inmarsat LMSS;
Land Mobile Earth Stations in the Eutelsat LMSS;
Land Mobile Earth Stations in the Italsat LMSS;
Land Mobile Earth Stations in the Iridium LMSS;

Land Mobile Earth Stations in the ICO LMSS;
Land Mobile Earth Stations in the Globalstar LMSS;
Land Mobile Earth Stations in the Thuraya LMSS;
Land Mobile Earth Stations in the Orbcomm LMSS;
Land Mobile Earth Stations in the SpaceChecker LMSS.

Short range devices

Micro FM transmitters, cordless radio apparatus, emergency alarms, field disturbance and Doppler apparatus, fixed alarms, generic general purpose devices, induction system apparatus, lone worker safety alarms, victim locators, mobile and transportable alarms, motor vehicle radio keys, motor vehicle theft paging alarms, asset tracking apparatus, meter reading apparatus, narrow band radio microphones, radio hearing aids, short range data links, industrial telemetry and tele-command apparatus, wide band radio microphones, wideband data transmission systems, visual image transmission equipment, narrow band radio apparatus, ultra-low power active medical implants, road and traffic telemetry, radar level gauges, Short Range Radar devices.

PMR 446

2-way handsets which meets European Standard ETS 300 296 and the specified 446 MHz frequencies designated.

Receive only devices

All receive only devices have been exempted

Fixed Link Apparatus

Fixed terrestrial link apparatus in unco-ordinated bands at 57.1 to 58.9 GHz

Wireless Access Systems including local area networks

Apparatus in the frequency bands 5150 to 5350 MHz and 5470 to 5725 MHz bands ("wi-fi")
(additional to the short range devices known as HYPERLANS indicated above)

Citizens Band radio equipment

Short range communication apparatus in the frequency band 27 MHz

Procedures for placing radio equipment in the UK market

Notification

The Radio Equipment and Telecommunications Terminal Equipment Directive (R&TTE Directive) was implemented in the United Kingdom on the 8th April 2000 through the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000, Statutory Instrument 2000 No.730. The Directive concerns radio equipment using frequency bands that are both harmonised and non-harmonised throughout the European Community. Should anyone wish to place equipment that uses non-harmonised frequency bands on the UK market, they must notify Ofcom at least four weeks before doing so.

Timing of the notification procedure

Ofcom considers the four-week period to begin on receipt of the notification and not when it is sent.

Acknowledgement of receipt of notification

E-mailed notifications will be automatically acknowledged. Should an e-mail fail to be sent in reply, Ofcom advise that the notification be re-sent.

For further details please see the “RTTE notifications form”

<http://www.ofcom.org.uk/radiocomms/ifi/tech/RTEE/rtenotification.rtf>

Conformity assessment procedures

Manufacturers have the choice of the following conformity assessment routes;

Internal Production Control (available for TTE and receiving parts of radio equipment)

It is the responsibility of the manufacturer to assess their product against the requirements of the RTTE Directive, put together the technical documentation listed and to declare that the equipment complies with essential requirements.

Harmonised standards may be used at the choice of the manufacturer and where they are used they give the presumption of conformity.

Internal Production Control plus Specific Apparatus Tests (available for radio equipment only)

Following this route the manufacturer applies an applicable harmonised standard; if this harmonised standard does not contain the essential radio test suites the manufacturer needs to consult a notified body. It is then the responsibility of the manufacturer to have the identified radio suites carried out and to put together the technical documentation listed in Annex II of the RTTE Directive, and to declare that the equipment complies with the essential requirements.

The Technical Construction File (TCF) Route (available for both radio equipment and TTE)

The manufacturer presents a technical construction file to a notified body with regard to radio equipment. This file should consist of the technical documentation listed in Annex II of the RTTE Directive. In addition, for radio equipment the file must contain the results of the essential radio suite agreed previously with a notified body (as per Annex III). The notified body then has 4 weeks to issue an opinion. After the manufacturer has received this opinion or after 4 weeks they are free to place the equipment on to the market.

The Full Quality Assurance Route (available for both radio equipment and TTE)

Following this route the manufacturer must operate an approved quality system for design, manufacture, final product inspection and testing which has been assessed by a notified body with regard to radio equipment.

The important thing to remember with any of the above routes is that it is the manufacturer's responsibility to ensure their products comply and declare accordingly.

ETSI

The European Telecommunication Standards Institute (ETSI) is a European standards-making body, which drafts and publishes European Telecommunication Standards (ETS). It also publishes ETSI Technical Reports (ETR) on background issues of related interest.

ETSI was set up in 1988 on the joint initiative of the European Commission and the European Postal and Telecommunication Conference (CEPT), to set common telecommunication standards to aid the development of European communication systems.

ETSI consists of:

- The General Assembly (GA), its main governing body
- The Board, a body that act on behalf of the General Assembly between General Assembly meetings
- Technical Organisation produces and approves technical standards. It encompasses ETSI Projects (EP's), Technical Committee's (TCs) and Special Committees.
- The Secretariat, which deals with administration and technical management.
- The R&TTE Directive adds a new role for ETSI in preparing candidate harmonised radio standards for radio equipment and systems. The concept of "type approval" is replaced by a manufacturer's declaration of compliance with the essential requirements of the Directive