

AGREEMENT

**BETWEEN THE ADMINISTRATIONS OF
BELGIUM, FRANCE, GERMANY, LUXEMBOURG,
THE NETHERLANDS AND SWITZERLAND**

**CONCERNING THE APPROVAL OF
ARRANGEMENTS BETWEEN OPERATORS OF
TERRESTRIAL SYSTEMS CAPABLE OF PROVIDING
ELECTRONIC COMMUNICATION SERVICES**

Brussels, 11th October 2011

1 Preamble

This Agreement concluded between the administrations within the framework of the latest version of the “HCM Agreement“ is a supplement to the “Special Agreements“ concerning the use of these frequency bands.

This Agreement lays down the provisions concerning the approval of arrangements between the operators of terrestrial systems capable of providing electronic communication services by the competent administrations.

The aim of these arrangements between operators (see §1.3.7 of the HCM Agreement) is to ensure a more efficient spectrum utilisation for the situation prevailing in the border area, and to reduce the amount of administrative effort.

2 Scope of the arrangements between operators

All arrangements between operators of terrestrial systems capable of providing electronic communication services exceeding the scope of the pertinent “Special Agreements“ are subject to the approval of the competent administrations.

The arrangements may for example relate to

- deviations from a preferential frequency or code division as laid down in the “Special Agreements“ ;
- the approval of base stations whose interference field strengths exceed the limit levels laid down in the “Special Agreements“.

3 Procedure

3.1 Each operator of a terrestrial system capable of providing electronic communication services shall submit to its respective administration the outcome of the arrangements along with its application for approval.

3.2 Each administration shall examine the applications submitted.

3.3 Each administration shall transmit its comments to the affected administrations in writing.

3.4 Each administration affected shall indicate its comments to the requesting administration.

3.5 The applicant shall be informed of the decision (approval, modification or rejection of the application) that has been taken on the basis of the administrations comments. A copy goes to each of the administrations concerned.

4 General provisions

- 4.1 The arrangements negotiated within the framework of this Agreement shall only take effect after the operators concerned have obtained the approval of its respective administration.
- 4.2 Services other than terrestrial systems capable of providing electronic communication services existing within the same frequency band should not be subject to arrangements between operators.
- 4.3 Operators may only negotiate arrangements concerning the common part of those frequency bands in respect of which they have been granted the approval for the installation and operation of a terrestrial system capable of providing electronic communication services by the competent administration without affecting the rights of non-involved third parties.
- 4.4 The approval of arrangement between operators shall become invalid if :
- the operator loses its licence for the installation and operation of the network;
 - the assigned frequencies, part of the “Special Agreement”, are changed;
 - the relevant network has ceased operation;
 - the “Special Agreement“ is abrogated or revised; in such a case, transitory provisions shall be negotiated between the administrations concerned;
 - interference still occurs and which cannot be eliminated by mutual consent of the operators; in this case the arrangement becomes invalid only in respect of the base station(s) concerned.

5 Revision of the Agreement

With the consent of the other administrations, this Agreement may be modified at the request of one of the signatory administrations where such a modification becomes necessary in the light of administrative, regulatory or technical developments.

6 Withdrawal from the Agreement

Each signatory administration may withdraw from the Agreement subject to a 6 months period of notice.

7 Languages of the Agreement

This Agreement exists in the English language.

One original version of this agreement is handed over to each signatories administrations.

8 Date of entry into force

This Agreement shall enter into force at the date of its signature.

9 Revocation of previous Agreements

At the same time, the previous agreement shall cease to be effective:

“Agreement between the administrations of Belgium, France, Germany, Luxembourg, the Netherlands and Switzerland concerning the approval of arrangements between operators of mobile radio communications networks” done at Saint-Dié on 17th October 2001. Arrangements between operators concluded within the framework of this previous Agreement remain valid.

Done at Brussels on 11th October 2011

For BELGIUM

Belgian Institute for Postal services
and Telecommunications

On behalf of the BIPT Council,
Michael Vandroogenbroek

For FRANCE

Agence nationale des fréquences
Antoine Rigole

For GERMANY

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For LUXEMBOURG

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