

**Memorandum of Understanding
Between
the European Commission (“the Commission”)
and
the European Conference of Postal and Telecommunications Administrations
(“CEPT”)**

Convinced of the need to contribute actively to the development of electronic communications regulatory mechanisms in Europe, and in particular to a certain degree of harmonisation of policy on radio spectrum for services and applications, especially with European coverage, the Commission and CEPT hereby intend to co-operate, according to their respective roles and competencies.

1. GENERAL COOPERATION

To this extent, where relevant and useful, the Commission and CEPT will exchange information relevant to the fulfilment of their respective tasks, share experiences acquired and keep each other informed of progress in the fields concerned.

The Commission and CEPT will give consideration to the relevant work undertaken on each side and to the legal provisions of the European Community.

For the purposes of communication between the Commission and CEPT, both sides will identify appropriate entities or contact points in their respective organisations for areas of interest identified by either side.

2. COOPERATION ON HARMONISATION OF POLICY ON RADIO SPECTRUM

In the area of harmonisation of radio frequency allocation and pursuant to Decision 676/EC/2002¹ of the European Parliament and of the Council, the Commission issues CEPT with mandates, setting out the tasks to be performed and the timetable therefor, with a view to the adoption of technical implementing measures addressing the harmonisation of radio frequency allocation and of information availability. The Commission and CEPT intend to co-operate closely to ensure the effective application of this process as laid down in the Radio spectrum Decision.

Commission activities pursued under Decision 676/EC/2002 are to take due account of the work of the CEPT, notably of any relevant CEPT deliverables² under preparation. Considering the technical expertise gained by CEPT and its affiliate bodies in radio spectrum management, the Commission will invite representatives of CEPT to participate as experts in relevant meetings of

¹ Decision 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), OJ L 108, 24.4.2002, p. 1.

² Deliverables in this context means CEPT Decisions, Recommendations and European Common Proposals.

the Spectrum Committee, as well as to meetings of the Radio Spectrum Policy Group³, as appropriate.

CEPT will involve the Commission in its activities, in particular in those that are relevant for the fulfilment of mandates or that may result in the issuing of mandates. To this extent, the CEPT will identify the appropriate entities within the CEPT structure that address issues of relevance and interest to the Commission and invite representatives of the Commission to participate in the relevant work, notably in the Assembly and the Electronic Communications Committee (ECC) and the preparatory meetings for the relevant ITU conferences, in accordance with the appropriate Rules of Procedure⁴.

3. REVIEW

The Commission and CEPT will periodically review the results and consequences of their cooperation under this Memorandum of Understanding. When appropriate, each side will consider the need for improvements in their cooperation and make suitable proposals for modifying the working arrangements.

4. FINAL PROVISIONS

This Memorandum of Understanding replaces two earlier Memoranda of Understanding between the Commission and the European Radiocommunications Committee (ERC) and the European Committee for Telecommunications Regulatory Affairs (ECTRA) after these two organisations have ceased to exist independently.

The co-operation described in this Memorandum of Understanding will be terminated on the anniversary of its signature, where either side has given three months prior notice of the intention to end the co-operation.

Done in two originals in the English language, each side acknowledging receipt of one original.

Brussels, [...] 30. 1. 2004

30. 1. 2004

Signed: _____ for the Commission

_____ for the CEPT



³ Commission Decision 2002/622/EC of 26 July 2002 establishing a Radio Spectrum Policy Group, OJ L 198, 27.7.2002, p.49.

⁴ CEPT Rules of Procedure are published in www.cept.org under General information/Legal framework/CEPT Rules of Procedure and the ECC Rules of Procedure are published in the www.ero.dk under ECC Activities/ECC.