

This is an unofficial translation. The legally binding text is the original Czech version.



Czech Telecommunication Office
with headquarters at Sokolovská 219, Prague 9
P.O. Box 02, Prague 025, Postcode 225 02

Prague, 27 July 2005
Ref.: 30276/2005-613

On the basis of public consultation under Section 130 of the Act No. 127/2005 Coll., on electronic communications and on amendment to certain related acts (the Electronic Communications Act) (the “Act”) and on the basis of the decision of the Council of the Czech Telecommunication Office (the “Office”) under Section 107(8)(b)(2) of the Act, and in order to implement Section 9 of the Act, the Office as the appropriate state administration body under Section 108(1)(b) of the Act issues by Measure of General Nature this

**General Authorisation No. VO-R/19/08.2005-31
for the operation of GSM-R network user terminals**

Article 1

Introductory Provisions

The apparatus operating conditions^{1),2)}, relating to the operation, by persons referred to in Article 2(d), of land mobile service transmitting radio equipment constituting part of GSM-R network terminals³⁾ (“terminal”) in the networks for which the operators received individual authorisations for the use of radio frequencies, are set out in the Act and in this General Authorisation under Section 10(1) of the Act⁴⁾.

Article 2

Actual Conditions

The actual conditions related to Section 10(1)(n) of the Act are as follows:

- a) the terminal may be operated without individual authorisation for the use of radio frequencies;

¹⁾ Sections 73 to 75 of the Act.

²⁾ Standard ČSN ETSI EN 301 419 – Digital cellular telecommunication system (Phase 2+) – attachment requirements for global system for mobile communications (GSM),
ČSN ETSI EN 301 511 – Global system for mobile communications (GSM) – harmonised standard for mobile stations in the GSM 900 and DCS 1800 bands covering the essential requirements under Article 3.2 of the R&TTE Directive (1999/5/EC) (GSM 13.11 version 7.0.1).

³⁾ GSM-R – GSM system for use in rail radio applications.

⁴⁾ This General Authorisation is based on the following decisions of the European Radiocommunications Committee (ERC) of the European Conference of Postal and Telecommunications Administrations (CEPT): Decision No. CEPT/ECC/DEC(02)09 of 15 November 2002 on the free circulation and use of GSM-R mobile terminals operating within the frequency bands 876-880 MHz and 921-925 MHz for railway purposes in CEPT Member Countries, enlarging the field of application of CEPT/ERC/DEC/(95)01; Decision No. CEPT/ECC/DEC(02)10 of 15 November 2002 on exemption from individual licensing of GSM-R mobile terminals operating within the frequency bands 876-880 MHz and 921-925 MHz for railway purposes.

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- b) also considered as a terminal under this General Authorisation is any terminal approved in those CEPT member states which acceded to ERC Decision No. ERC/DEC/(95)01 of 1 December 1995 on free circulation of radio equipment in CEPT member states⁵⁾.
- c) the terminals use the frequencies allocated to network operators through individual authorisation in the following frequency bands⁶⁾:

Transmission	876-880 MHz
Reception	921-925 MHz

- d) the terminal may only be operated for railway purposes and may only so be operated by a natural or juristic person who holds a valid licence to operate railway transport⁷⁾ or a natural or juristic person that carries out activities related to securing the operation of railways or operation of railway traffic.
- e) in the direct operation mode (DMO), the terminal may only be operated in the range of 876.0125 to 876.0625 MHz, which is reserved to this operation;
- f) the terminal may also be used as a stationary terminal, in-built in different exchange offices, GSM gateways etc., and may also be connected to an external antenna;
- g) the terminal may be neither electrically nor mechanically modified.

Article 3

Final Provisions

Also considered as a terminal complying with the Government Order No. 426/2000 Coll., laying down the technical requirements for radio equipment and telecommunication terminal equipment, as amended, is any terminal for which the Office decided to approve or recognise the radio equipment type in accordance with Section 10 of the Act No. 151/2000 Coll., on Telecommunications and on Amendment to Other Acts, as amended, provided that such a terminal was released to the market before 1 April 2003.

Article 4

Repealing Provisions

This is to repeal General Licence No. GL – 42/R/2003, Ref. No. 17977/2002-613 of 24 January 2003, published in Issue 2/2003 of Telekomunikační věstník (Telecommunications Bulletin).

Article 5

Effect

This General Authorisation shall come into effect on 1 September 2005.

⁵⁾ A list of the countries that acceded to that decision, and other information, are available at the web address www.ero.dk

⁶⁾ The frequency band allocation is based on Decision of the CEPT Electronic Communications Committee (ECC) No. CEPT/ECC/DEC/(02)05 of 5 July 2002 on the allocation and availability of the frequency bands 876-880 MHz and 921-925 MHz for railway purposes.

⁷⁾ Section 24 *et seq.* of Act No. 266/1994 on Railways, as amended

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Explanatory Memorandum

To implement Section 9 of the Act, the Office issues General Authorisation No. VO-R/19/08.2005-31 for the operation of GSM-R network user terminals (“General Authorisation”).

This General Authorisation is based on the principles set out in the Act and also on the frequency plans and harmonisation objectives of the European Communities, and it replaces the General Licence, which is repealed by Article 4 of the General Authorisation. The terminals that meet the requirements of Government Order No. 426/2000, laying down the technical requirements for radio equipment and telecommunication terminal equipment, as amended, may be used in the Czech Republic without any further permission, and they may likewise be so used in the Member States of the European Conference of Postal and Telecommunications Administrations (CEPT) that acceded to ERC decisions on free circulation and use of these terminals.

Article 2 contains the conditions of operation of GSM and UMTS terminals. These conditions are based on CEPT decisions and on Directive No. 1999/5/EC of the European Parliament and of the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity, as well as on the requirements resulting from exercising radio spectrum administration. Within the meaning of Article 3, the provisions of these regulations do not hinder the operation of the equipment released to the market before the effective date of this General Authorisation.

As distinct from the general licences that were issued on the basis of the previous legal regulations for a fixed period of time, the general authorisation is issued with no limitation of validity. If any change occurs in the information on the basis of which the general authorisation was issued, or if there is a need to fulfil the obligations resulting from the membership of the Czech Republic in international organisations or the obligations to ensure the defence and security of the state, the general authorisation may be amended or cancelled by a procedure set out in the Act.

On the basis of Section 130 of the Act and in accordance with the Czech Telecommunication Office’s Rules for consultations with the affected parties at the discussion site, the Office published on 8 June 2005 at the discussion site its draft General Authorisation No. VO-R/19/XX.2005 for the operation of GSM-R network user terminals and an invitation for comments on the draft General Authorisation to be posted at the discussion site.

The Office received no comments during the period of public consultation.

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Czech Telecommunication Office

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[*signature*] *D. Stádník*
David Stádník
Chairman of the Council of the
Czech Telecommunication Office