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GLOBAL CIRCULATION OF IMT-2000 TERMINALS

(Item on the Agenda: 4.3)

(Information document submitted by the ITU)

International Telecommunication Union*

GLOBAL CIRCULATION OF IMT-2000 TERMINALS

At its third meeting in Geneva (October 23 - 27, 2000), ITU-R Working Party 8F identified the following three principles to facilitate global circulation of IMT-2000 terminals:

- Regulators not to require any license for visiting terminals;
- Regulators not to require an additional terminal certification or type approval for visiting terminals.
- IMT-2000 terminals should be included under the terms of an arrangement between customs' administrations in order to facilitate customs clearance for users intending to carry and use their personal equipment in the visited country or transiting to another country, such as the Istanbul Convention.

WP 8F suggested that the ITU Secretary-General should be invited to consult Administrations of Member States on their opinions about the principles described above and report on the replies received from the Administrations. It recognized that urgent action is required since commercial IMT-2000 systems are planned to be in operation already in 2001 resulting in a need for global circulation.

Having received the request to initiate the consultation, the Secretary-General submitted a request for comments via Circular Letter No. 97 of 22.1.01 (see <http://www.itu.int/imt-tf/docs/cl-97-e.pdf>). The annex to CL97, which contains the guidelines for submitting comments, and a detailed questionnaire, is reproduced here in Annex 1. The deadline for responses was set on 22.2.01 (although delayed responses are still been accepted) and a final report will be circulated to Administrations and submitted to WP 8F by 23.3.01.

In their comments, Administrations were asked to address the regulatory and policy issues raised by the principles outlined above. Their concerns will be brought into the discussions that have taken place in the ITU and in various external fora, particularly during the meetings of regional organizations and other interested groups. Administrations were also encouraged to take full account of the substantial progress that has been made in the course of these discussions, and build on them insofar as they have begun to address the regulatory and policy matters. The trend emerging from those discussions is that whatever mechanism will be established to facilitate global circulation it should be done on a globally agreed technical basis.

The comments and responses to the Secretary-General's consultation may well confirm this trend toward a mechanism based on global technical specifications. Therefore, WP 8F is urged to pursue the development of the relevant ITU-R Recommendations, including the technical criteria, on a timely basis. A copy of draft Recommendation IMT.RCIRC as approved by the 4th meeting of WP 8F (Rabat, 21-27 February 2001) is attached for information (see Annex 2).

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It is noted that the Operators Harmonization Group (OHG) has issued an open letter to ITU (http://www.itu.int/osg/imt-project/docs/circulation_FINAL.doc) where, among other comments, the mobile operators consider that national and regional authorities should further study and cooperate where necessary in order to remove any obstacles hindering global circulation of IMT-2000 terminals in all parts of the world.

It is also worth noting Resolution RAST9/2 (Sapporo, Japan) (http://www.itu.int/osg/imt-project/docs/RAST_RES9-2.pdf), which resolves to encourage PSOs to advise their respective regulatory bodies of their hope that ITU establish Recommendations on the global circulation of terrestrial IMT-2000 equipment.

Work on global circulation of IMT-2000 terminals is currently been carried out on a regional basis: in Europe by CEPT European Radiocommunications Committee Project Team 1 (CEPT/ERC/PT1), European Commission and ETSI TFES, and in Asia-Pacific by the APT IMT-2000 Forum. In order to harmonize the regional approaches and provide a globally agreed solution, ITU-R WP 8F is developing the technical framework and the ITU Secretary-General is assisting in establishing any appropriate mechanism which could be considered necessary to effectively provide for global circulation of IMT-2000 terminals.

Annexes: 2

ANNEX 1

(Source: Annex to ITU Circular Letter No. 97 of 22.1.01)

GUIDELINES

1 Regulatory and Policy Issues

The principles being considered -- namely no license, no additional terminal certification or type approval for visiting terminals and customs clearance for users -- would require a cooperative framework between Administrations, operators, manufacturers and service providers. In particular, their adoption by Administrations would also require their global implementation in order to ensure their effectiveness at facilitating global circulation.

Some ITU Members raised regulatory concerns relating to the three principles, since they may not ensure that visiting terminals are in conformity with the laws and policies of the visited country without some regulatory arrangements. Other Members claimed that global circulation in the majority of countries is not a problem today for terminals of worldwide systems. It was recognized that draft Recommendations IMT.UNWANT and IMT.RCIRC are necessary but they may not be enough.¹

There was a proposal from some ITU Members that a Memorandum of Understanding (MoU) should be established among the concerned parties. However, WP 8F reached no consensus in applying this approach for terrestrial IMT-2000 terminals. Nevertheless, WP 8F noted that some arrangements might be necessary in view of the regulatory concerns expressed.

In conclusion, it has been recognized that WP 8F is not the right body to establish such regulatory arrangements or to determine whether the present regulatory arrangements are sufficient. Therefore, its request calls upon the Secretary-General -- through a consultation process -- to initiate comments from Administrations about those outstanding regulatory and policy concerns, which could delay the rapid introduction of IMT-2000 system.

2 Scope of the Consultation Process

This Consultation Process will bring the concerns of all Administrations into the discussions that have taken place in the ITU and in various external fora, particularly during the meetings of regional organizations and other interested groups. In order to increase the impact of your comments, Administrations should take full account of the substantial progress that has been made in the course of these discussions, and build on them insofar as they have begun to address the regulatory and policy matters.

Your comments should focus on the three principles outlined above and, in particular, on whether those principles address all the regulatory and policy issues and whether they are sufficient to facilitate global circulation. In addition, if Administrations wish to identify any new principle in their comments, they are encouraged not to address its substance at this stage in the Process. They

¹ WP 8F is preparing these two draft ITU-R Recommendations: IMT.UNWANT (Generic unwanted emission characteristics associated with the terrestrial radio interface of IMT-2000) and IMT.RCIRC (Global circulation of IMT-2000 terminals).

should only identify it and adequately describe it. If any “new” principle were to generate sufficient interest, a follow-up to this RFC may seek additional comments from Administrations in consultation with WP8F on the substance of the issues raised by this “new” principle.

3 Guidelines for Submission of Comments

Each Administration, based on the nature of the rights or interests involved in each of those three principles, may identify a different set of considerations. Each consideration may be brought to bear on the questions of whether global arrangements should be concluded, and, if so, under what circumstances and how. Therefore, a list of suggestions is provided below as guidelines to comment on potential considerations. *If you wish to use an additional sheet of paper to complete your answers, please, always make reference to the question number in each answer.*

3.1 Principle: Regulators should not require any license for visiting IMT-2000 terminals

3.1.1 Does your Administration already apply this principle?

Yes

Give a brief description, under provisions of your regulations, of entry and use of visiting

terminals (i.e. equipment that are not to be placed on the market) and their types:

No

In case your Administration intends to apply this principle at a future date, which types of

terminals would not require a license (e.g. all types, single-mode, multi-mode and single-band, multi-band terminals)?

3.1.2 Are there any types of radio terminal equipment for which a license is given on an individual (set-by-set) basis?

Yes

Specify:

No

3.1.3 What mutual provisions, if any, would your Administration find necessary or useful to implement the principle with respect to no license for visiting terminals?

3.2 Principle: Regulators should not require an additional terminal certification or type approval for visiting terminals

3.2.1 Does your Administration already apply this principle?

Yes

Give a brief description of the provisions under your regulations:

No

In case your Administration intends to apply this principle at a future date, which types of terminals would not require an additional terminal certification or type approval (e.g. all types, single-mode, multi-mode and single-band, multi-band terminals)?

3.2.2 What mutual provisions for recognizing conformity assessment or manufacturer self-certification, if any, should be made with respect to certification or type approval (e.g. mutual recognition, regional and global arrangements)?

3.2.3 For purposes of evaluating conformity assessment, should arrangements be developed to make the information accessible to regulators?

Yes

No

3.2.4 Would a registry, listing or other similar services aimed at assessing conformity with global specifications (e.g. ITU-R Recommendations) be useful to your Administration?

Yes

Please describe such services:

No

3.2.5 The draft ITU-R Recommendations being prepared by WP8F are intended to ensure that IMT-2000 terminals could operate in countries where these principles apply without causing unacceptable interference to other systems. Would your Administration take into consideration the availability and sufficiency of such technical solutions to authorize terminal entry and use?

Yes

No

3.3 Principle: IMT-2000 terminals should be included under the terms of an arrangement between customs' administrations in order to facilitate customs clearance for users

3.3.1 Should arrangements, such as the Istanbul Convention, be formulated to benefit users intending to carry and use their personal equipment in the visited country or transiting to another country?

Yes

No

How much protection is necessary?

Which types of terminals should receive any such protection?
(e.g. all types, single-mode, multi-mode, single-band and multi-band)?

3.3.2 Which organizations determine whether a terminal is authorized to enter your country (e.g. telecommunications regulators, customs authorities)?

3.3.3 If the equipment is refused entry, is there an appeals procedure?

Yes

No

How does this operate?

What information, if any, must be provided by the visitor?
(e.g. official forms, conformity assessments etc.)?

4 Type approval authorities and procedures

Defining type approval procedures is central to regulatory policy. With regard to the specification of essential requirements and standards for IMT-2000 terminals:

4.1 What is the aim of type approval procedures, and what criteria are applied (e.g. technical, regulatory, safety)?

4.2 Which organizations define the technical standards used in your country for radio terminal equipment?

4.3 Who makes the final decision on type approval?

4.4 What is the status of the major type approval bodies (e.g. public or private)?

4.5 Which organizations carry out the technical tests in your country?

4.6 Which organizations are accredited to carry out conformance testing for radio terminal equipment in your country?

4.7 Does your Administration recognize technical tests, conformance tests or type approvals carried out by any foreign authorities or test laboratories (mutual type recognition)?

Yes
Specify:

No

4.8 Does your Administration accept the suppliers' own test results for any equipment (self-certification)?

Yes
Specify:

No

4.9 Is type approval mandatory for all radio terminal equipment used in your country?

Yes

No

Specify any exceptions:

4.10 Is the type approval process the same for visiting terminals and terminals that are to be placed on the market?

Yes

No

4.11 To what extent are international and regional standards (e.g. ITU, ARIB, TTC, TTA, ETSI, TIA and CWTS) considered in type approval procedures for radio terminal equipment?

4.12 Are any international standards considered mandatory for radio terminal equipment to circulate in your country?

Yes

No

Please mail or fax your comments to:

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ANNEX 2

(Source: Document 8F/TEMP/77(Rev.1))

PRELIMINARY DRAFT NEW RECOMMENDATION ITU-R [IMT.RCIRC] GLOBAL CIRCULATION OF IMT-2000 TERMINALS

The ITU Radiocommunication Assembly,

considering

- a) that mobile communications continue to grow at a very rapid pace concurrently with the very fast growth in the Internet, giving social and economic benefits to all countries and peoples around the world from availability of advanced telecommunications regardless of the location of the user;
- b) that ITU, together with national regulatory authorities and industry, has done considerable work towards the introduction of the IMT-2000 mobile broadband communication systems in the coming years;
- c) that a successful deployment of such systems has to include the ability of users to carry their terminals when they go from one country to another, and to use those terminals, if accepted and connected by the network operator, in other third-generation networks than their home network, or to simply carry them even if they are not able to use them;
- d) that such global circulation will bring obvious advantages for the user if they have the ability to use their terminal in any country where service is available;
- e) that such global circulation is advantageous for operators who will earn additional revenue;
- f) that such global circulation is furthermore beneficial for national administrations, since it will allow the national economies to reap the full benefits of third-generation systems and allow mobile multimedia services to contribute to the growth of the national economy;
- g) that IMT-2000 terminals are likely to embody a family of "modes", or different radio interfaces, some of which may not be supported in all countries, and may also incorporate a satellite mode;
- h) that some multimode terminals may include modes which are not an IMT-2000 family member;
- j) that users will wish and may need to carry their terminals, even where they cannot use the equipment;
- k) that one of the basic requirements of global circulation is that the terminal does not give rise to harmful interference in any country where it is taken;
- l) that one possible means of achieving the requirement mentioned above is that the terminal does not transmit before it has received a signal from a valid network with which it can communicate (receive-before-transmit principle) but there may be also other technical means of achieving the basic requirement

- m) that global circulation in the majority of countries is not a problem today for terminals of worldwide systems,
- n) that IMT-2000 technologies provide network operators with the possibility to identify the type of terminal equipment attached to their networks.

further considering

- a) that the personal use by visitors of IMT-2000 terminals should require no individual licence or any other form of individual formal regulatory procedure;
- b) that national administrations should liaise with appropriate customs and other authorities in order to exempt IMT-2000 terminals intended for personal use by visitors from all customs duties or other official charges;
- c) that national and regional authorities should further study and co-operate where necessary in order to remove any obstacles hindering global circulation of IMT-2000 terminals in all parts of the world,

recognizing

- a) that the World Customs Organisation (WCO) has developed two international agreements which are applicable to IMT-2000 terminals:
- the ***Istanbul Convention***, which binds countries to eliminating customs duties on personal effects and professional equipment carried by visitors;
 - the ***Professional Equipment Convention***, which has so far been adopted by about 40 countries, which exempts from customs duties equipment used by professionals, e.g. journalists, doctors, relief workers, businessmen, etc.;
- b) that the Information Technology Agreement (ITA) of the World Trade Organisation (WTO) aims at eliminating import duties on all information technology equipment including wireless terminals
- c) that the global circulation and use of terminals must be in conformity with the laws and regulations in the visited country, thereby generating the need for international cooperation between regulatory authorities;
- d) that global circulation will also be dependent on means, not included in this Recommendation, that may be introduced in order to ensure network integrity, interoperability and Quality of Service to end users;
- e) that there is a risk that administrative arrangements for circulation may lead to heavier regulation, which must be carefully avoided when developing arrangements for circulation, since the circulation arrangements must be aimed at simplifying existing regulation, not increasing it;
- g) that the process of placing equipment on the market may employ a marking on a national or regional basis;
- h) [that carrying and use of terrestrial IMT-2000 terminals should not require a specific mark;]
- j) that IMT-2000 satellite terminals may carry the GMPCS MoU mark to indicate compliance with the GMPCS MoU Arrangements, and that this mark may be also in multi-mode satellite-terrestrial IMT-2000 terminals;

recommends

1 that, in order to establish the technical basis for global circulation of IMT-2000 terminals, such terminals should fulfil the requirement for avoiding harmful interference in any country where they circulate:

– by conforming to IMT-2000 standards referred to in Recommendation ITU-R M.1457 and;

– by complying with unwanted emission limits according to the following Recommendations:

- for terrestrial radio interfaces of terminals [IMT-UNWANT];
- for satellite interfaces of terminals either Recommendation ITU-R M.1343, "Essential technical requirements of mobile earth stations for global non-geostationary mobile-satellite service systems in the band 1-3 GHz" or Recommendation ITU-R M.1480, "Essential technical requirements of mobile earth stations for GSO MSS systems in the band 1-3 GHz";

2 that terminals should use the receive-before-transmit principle or, when available, other technical means of avoiding harmful interference.

3 that terminals should be designed to inhibit all transmission in case of a malfunction which could adversely affect their emitted spectrum characteristics.
