

# Agreement

between the Administrations of  
Austria, Germany, Liechtenstein and Switzerland

concerning the approval of  
arrangements between operators of  
terrestrial systems capable of providing  
electronic communications services

Vienna, 28.10.2015

## **1 Preamble**

This Agreement concluded between the administrations of Austria, Germany, Liechtenstein and Switzerland within the framework of the latest version of the HCM-Agreement is a supplement to the “Special Agreements” concerning the use of the frequency bands.

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

The aim of these arrangements between operators is the increase of efficiency of spectrum usage in the border area and the reduction of administrative efforts.

## **2 Scope of the arrangements between operators**

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

The arrangements may relate to deviations from provisions laid down in the “Special Agreements” e.g.:

- deviations from a preferential frequency repartition or code division
- approval of base stations whose planning field strengths limits are exceeded.

## **3 General provisions**

- 3.1 The arrangements negotiated within the framework of this Agreement shall only take effect after all operators concerned have obtained approval of their relevant administration.
- 3.2 Services other than terrestrial systems capable of providing electronic communications services existing within the same frequency band should not be subject to arrangements between operators.
- 3.3 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 deployment and operation of a terrestrial system capable of providing electronic

communications services by the relevant administration without affecting the rights of non-involved third parties.

3.4 Operators may negotiate arrangements which allow to exceed the field strength limits laid down in the “Special Agreements”. In this case the following basic principles have to be respected:

- The field strength value(s) of the relevant base station(s) have to be agreed among the affected operators.
- Coverage of foreign territory has to be avoided.
- Harmful interference has to be avoided.
- Administrations may request the provision of detailed specifications (e.g. field strength values, shared codes).

3.5 Approved arrangements between operators shall become invalid if

- one of the involved operators loses its licence and/or rights of use
- the concerned frequency assignment has changed
- the “Special Agreement” is abrogated or revised in a way that affects the specific operator arrangement.
- harmful interference occurs and cannot be eliminated by mutual effort of the operators; in this case the arrangement becomes invalid only in respect of the base station(s) concerned.

## 4 Procedure

4.1 Each operator of terrestrial systems capable of providing electronic communications services shall submit to its relevant administration the arrangements along with its application for approval.

4.2 Each administration shall examine the application submitted.

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

- 4.4 Each administration affected shall indicate its comments to the requesting administration.
- 4.5 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.

## **5 Revision of this 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 this Agreement subject to a 12 months period of notice.

## **7 Language of the Agreement**

This Agreement has been concluded in the English language.

## **8 Date of entry into force**

This Agreement will 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 Austria, Germany, Liechtenstein and Switzerland concerning the approval of arrangements between operators of radiocommunications networks, Vienna 27 February 2002”.*

Arrangements between operators approved within the framework of this previous agreement remain valid.

## 10 Signature

This Agreement exists in four original editions which are kept by the signing Administrations.

Done at Vienna, 28. October 2015

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