

ANNEX I

**The Wiesbaden, 1995,
Special Arrangement, as revised in
Constanța 2007
(WI95revCO07)**

THE CEPT T-DAB PLANNING MEETINGS,
WIESBADEN, 1995, BONN, 1996, MAASTRICHT, 2002
and CONSTANȚA 2007

Special Arrangement
of the European Conference of Postal and Telecommunications Administrations (CEPT)
relating to the use of the bands 47 - 68 MHz, 87.5 - 108 MHz and
230 - 240 MHz for Terrestrial Digital Audio Broadcasting (T-DAB)

PREAMBLE

The Delegates of the following CEPT Administrations of Member States of the International Telecommunication Union (ITU):

Republic of Austria, Kingdom of Belgium, Republic of Bulgaria, Republic of Cyprus, Czech Republic, Kingdom of Denmark, Republic of Estonia, Republic of Finland, French Republic, Federal Republic of Germany, Republic of Hungary, Ireland, Italian Republic, Republic of Latvia, Principality of Liechtenstein, Republic of Lithuania, Grand Duchy of Luxembourg, Republic of Malta, Republic of Moldova, Kingdom of the Netherlands, Kingdom of Norway, Republic of Poland, Portuguese Republic, Romania, Slovak Republic, Republic of Slovenia, Kingdom of Spain, Kingdom of Sweden, Swiss Confederation, Republic of Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland,

have adopted the following provisions concerning the broadcasting service (T-DAB) in the bands 47 - 68 MHz, 87.5 - 108 MHz and 230 - 240 MHz in the Planning Area as defined in Article 1 of this Special Arrangement, and the Allotment Plan for the introduction of T-DAB.

ARTICLE 1

Definitions

For the purposes of this Special Arrangement, the following terms shall have the meanings defined below:

- 1.1 **ITU:** The International Telecommunication Union.
- 1.2 **Radiocommunication Bureau:** The ITU Radiocommunication Bureau.
- 1.3 **Radio Regulations:** The Radio Regulations (edition of 2004).
- 1.4 **CEPT:** The European Conference of Postal and Telecommunications Administrations.
- 1.5 **ECC:** The Electronic Communications Committee of the CEPT. (Until 2001 the predecessor was the European Radiocommunications Committee)
- 1.6 **ERO:** The European Radiocommunications Office.
- 1.7 **Special Arrangement:** This Special Arrangement and its Annexes.
- 1.8 **Contracting Administration:** Any administration of a Member State of the ITU, which has approved or acceded to this Special Arrangement.
- 1.9 **Administration:** Unless otherwise indicated, the term *administration* designates an administration as defined in the ITU Constitution.
- 1.10 **Plan:** The Plan forming Annex 1 to this Special Arrangement plus all later modifications agreed since the entering into force of the Constanța, 2007, Special Arrangement.
- 1.11 **Planning Area:** The territories of the Contracting Administrations.
- 1.12 **Allotment:** Entry in the Plan, or in Annex 5 which is not part of the Plan, of a frequency block designated for use by an administration for T-DAB in an Allotment Area under the conditions specified in the relevant annexes. Each allotment may be used for one or more assignments using the technical criteria specified in Annex 4.
- 1.13 **Allotment Area:** The coverage area of an allotment, the boundaries of which are defined by geographical co-ordinates associated with this allotment.
- 1.14 **Assignment:** Any assignment for which the procedure of Article 6 has been successfully applied.
- 1.15 **T-DAB Assignment List:** The list of T-DAB assignments co-ordinated and notified in accordance with this Special Arrangement.

- 1.16 *Plan Management Body:*** The ERO, tasked by the ECC to manage the procedures of this Special Arrangement.
- 1.17 *The Stockholm Agreement (1961), as revised in Geneva 2006:*** The "Regional Agreement for the European Broadcasting Area Concerning the Use of Frequencies by the Broadcasting Service in the VHF Bands" adopted by the European VHF/UHF Broadcasting Conference (Stockholm, 1961) and revised by the Regional Radiocommunications Conference RRC-06-Rev.ST61 (Geneva, 2006).
- 1.18 *The Geneva Agreement (1984):*** The "Regional Agreement Relating to the Use of the Band 87.5-108 MHz for FM Sound Broadcasting (Region 1 and Part of Region 3)" adopted by the Regional Administrative Conference for the Planning of VHF Sound Broadcasting (Region 1 and Part of Region 3) (Geneva, 1984).

ARTICLE 2

Execution of the Special Arrangement

- 2.1** The Contracting Administrations shall apply, for their T-DAB stations in the bands 47-68 MHz, 87.5-108 MHz and 230-240 MHz, the technical bases specified in Annex 2 to this Special Arrangement.
- 2.2** The Contracting Administrations shall not modify their allotments, except under the conditions provided for in Article 4 of this Special Arrangement.
- 2.3** The Contracting Administrations may bring into use assignments in the bands 47-68 MHz and 230-240 MHz in accordance with their allotments in the Plan and only under the conditions set out in Article 6 of this Special Arrangement.
- 2.4** The Contracting Administrations may, in common agreement with other administrations whose services may be affected, apply the relevant procedures of this Special Arrangement to obtain T-DAB allotments and bring into use T-DAB assignments in the band 87.5-108 MHz. However, such allotments do not form part of the Plan and shall be recorded in Annex 5. Corresponding assignments shall be recorded in the T-DAB Assignment List as not being part of the Plan.
- 2.5** The Contracting Administrations undertake to study and in common agreement to put into practice the measures necessary to eliminate any problems that might result from the application of this Special Arrangement.

ARTICLE 3

Annexes to the Special Arrangement

The Special Arrangement contains the following Annexes:

3.1 *Annex 1:* The T-DAB Frequency Block Allotment Plan

The Frequency Allotment Plan for T-DAB stations of Contracting Administrations in the bands 47 - 68 MHz and 230 - 240 MHz containing frequency allotments and associated characteristics of T-DAB stations co-ordinated either during the CEPT T-DAB Planning Meeting or by the application of provisions contained in the Special Arrangement.

3.2 *Other Annexes*

Annex 2: Technical Bases for T-DAB Planning

Annex 3: Basic characteristics of a T-DAB allotment and a T-DAB assignment to be communicated in application of the procedures of Article 4 and Article 6.

Annex 4: Technical procedures for co-ordination

Annex 5: T-DAB frequency block allotments in the band 87.5 - 108 MHz agreed between the administrations concerned, but not forming part of the Plan

ARTICLE 4

Procedure concerning modifications to the Plan

4.1 The Allotment Plan for T-DAB established by the CEPT T-DAB Planning Meeting, Wiesbaden, 1995, shall be open to modification in accordance with the procedure of this Article. For that purpose the Plan Management Body, on behalf of the ECC, shall maintain the master copy of the Plan containing all modifications made to the Plan.

4.2 If an administration wishes to modify the Plan, it shall apply the procedure below.

4.3 A proposed modification to the Plan may consist of:

4.3.1 a change in the characteristics of an allotment in the Plan;

4.3.2 the inclusion of a new allotment in the Plan;

4.3.3 the suppression of an allotment in the Plan.

4.4 For the purpose of effecting a modification to the Plan, the administration concerned shall:

- 4.4.1** identify the affected administrations, having regard to the relevant provisions associated with the Plan;
- 4.4.2** send a request for agreement to the administrations concerned giving the information listed in Annex 3;
- 4.4.3** copy this request to the Plan Management Body, taking into account the provisions in 4.6.
- 4.4.4** The actions according to 4.4.1, 4.4.2 and 4.4.3 above shall be taken not earlier than four years, but not later than 20 weeks before the date at which the proposed modification is intended to be converted into an assignment.
- 4.5** The agreement mentioned in 4.4 is not necessary if the proposed modification is:
 - 4.5.1** the suppression of an allotment in the Plan;
 - 4.5.2** any modification which results in a reduction of the Allotment Area.
- 4.6** The administration proposing a modification to the Plan shall send the information listed in Annex 3 to the Plan Management Body and shall indicate, as the case may be:
 - 4.6.1** the names of administrations which have been consulted according to 4.4;
 - 4.6.2** that it is not necessary to obtain the agreement of any administration according to 4.5.
- 4.7** The Plan Management Body, upon receiving a copy of the request under 4.4, shall publish the complete information.
- 4.8** Following receipt of the publication, an administration, believing that it should have been included in the request for agreement, shall inform the requesting administration within six weeks of the date of publication, giving its reasons for doing so, and shall also inform the Plan Management Body, requesting that its name be included.
- 4.9** The administration seeking agreement and those administrations with which agreement is sought, may request any additional information they consider necessary.
- 4.10** Replies to a co-ordination request (4.4) shall be given within a period of twelve weeks of the date of publication or direct request.
 - 4.10.1** If no reply has been received within this period, an urgent reminder shall be sent.
 - 4.10.2** If, two weeks after dispatch of the reminder, no reply has been received, the administration with which co-ordination has been sought shall be considered to have agreed to the proposed change. Justification shall be given for rejecting a request.
- 4.11** When the Plan Management Body has been notified by the administration seeking co-ordination about the results of a co-ordination and finds that this procedure has been successfully concluded, either by obtaining the agreement of the administrations concerned

or by the application of 4.10, it shall update the master copy of the Plan. The new or modified allotment in the Plan shall then have the same status as others appearing in the Plan and shall be considered as being in accordance with the Plan.

- 4.12** If required, the Plan Management Body shall send a copy of the revised Plan together with an updated Assignment List at six-monthly intervals to all Contracting Administrations and the Chairman of the ECC who shall send a copy to the Secretary-General of the ITU.
- 4.13** If a modification of an allotment, although made in accordance with the provisions of this Article, results in harmful interference to services of other administrations when it is converted into an assignment, the administration which brought the assignment into use shall, in cooperation with the affected administration, take the necessary action to eliminate such interference in accordance with the relevant provisions of the Radio Regulations.
- 4.14** Administrations shall communicate information to the Plan Management Body in electronic form. For submission of basic characteristics of T-DAB allotments the record-structure specified in Appendix 1 to Annex 3 shall be used.

ARTICLE 5

Compatibility and sharing with other radiocommunication services

Section 1: T-DAB interfering with other radiocommunication services

- 5.1** Any administration intending to convert an allotment into one or more assignments in accordance with Article 6 of this Special Arrangement, in the bands 47 - 68 MHz and 230 - 240 MHz, shall obtain the agreement of Contracting Administrations whose other radiocommunication services are likely to be affected. However, such agreement is unnecessary if the T-DAB assignment is within the corresponding allotment and the limits referred to in the following sub-sections are not exceeded.
 - 5.1.1** *Television stations* operating in the band 47 - 68 MHz which are in conformity with the Stockholm Agreement (1961), as revised in Geneva 2006 are likely to be affected by a proposed T-DAB frequency block assignment if the appropriate limits indicated in Annex 2 are exceeded.
 - 5.1.2** *FM broadcasting stations* operating in the band 66 - 68 MHz which are in conformity with the Stockholm Agreement (1961), as revised in Geneva 2006 are likely to be affected by a proposed T-DAB frequency block assignment if the appropriate limits indicated in Annex 2 are exceeded.
 - 5.1.3** *Stations in the mobile service* operating in the band 230 - 240 MHz in conformity with the Radio Regulations on a primary basis are likely to be affected by a proposed T-DAB frequency block assignment if the appropriate limits indicated in Annex 2 are exceeded.

- 5.1.4** *Stations in the land mobile service* operating in the band 47 - 68 MHz in conformity with the Radio Regulations on a permitted basis are likely to be affected by a proposed T-DAB frequency block assignment if the appropriate limits indicated in Annex 2 are exceeded.
- 5.1.5** *For the protection of the 243 MHz distress and safety frequency* administrations will take the appropriate measures to ensure that the limits given in Annex 2 are not exceeded by any T-DAB emission and be ready to immediately shut down any transmitter that appears to be exceeding these limits until it is confirmed that this is not the case.

Section 2: Other radiocommunication services interfering with T-DAB

- 5.2** Any administration intending to bring into service a station of another radiocommunication service in accordance with this Special Arrangement shall obtain the agreement of other Contracting Administrations whose T-DAB allotments are likely to be affected.
- 5.2.1** T-DAB allotments in the band 47 - 68 MHz which are in conformity with this Special Arrangement are likely to be affected by a proposed assignment to a television station if the appropriate limits indicated in Annex 2 are exceeded.
- 5.2.2** T-DAB allotments in the band 66 - 68 MHz which are in conformity with this Special Arrangement are likely to be affected by a proposed assignment to an FM broadcasting station if the appropriate limits indicated in Annex 2 are exceeded.
- 5.2.3** T-DAB allotments in the bands 47 - 68 MHz and 230 - 240 MHz which are in conformity with this Special Arrangement are likely to be affected by a proposed assignment to a station in the mobile service if the appropriate limits indicated in Annex 2 are exceeded.
- 5.2.4** T-DAB allotments in the band 230 - 240 MHz which are in conformity with this Special Arrangement are likely to be affected by a proposed assignment to a station in the fixed service if the appropriate limits indicated in Annex 2 are exceeded.

Section 3: Sharing between T-DAB and other radiocommunication services in frequency bands not included in the Plan

- 5.3** Any administration intending to assign frequency blocks to T-DAB stations in accordance with this Special Arrangement shall obtain the agreement of any Contracting Administration whose radiocommunication services are likely to be affected. The limits indicated in Annex 2 may be used by common agreement between the administrations concerned.
- 5.3.1** *FM broadcasting stations* operating in the band 87.5 - 108 MHz which are in conformity with the Geneva Agreement (1984) are likely to be affected by a proposed T-DAB frequency block assignment if the appropriate limits indicated in Annex 2 are exceeded.
- 5.3.2** *Stations in the aeronautical radionavigation service* operating in the band 108 - 117.975 MHz in conformity with the Radio Regulations on a primary basis are likely to be affected

by a proposed T-DAB frequency block assignment in the band 87.5 – 108 MHz. The appropriate co-ordination procedures shall be applied.

- 5.3.3** T-DAB allotments in the band 87.5 - 108 MHz which are in conformity with this Special Arrangement are likely to be affected by a proposed assignment to an FM broadcasting station if the appropriate limits indicated in Annex 2 are exceeded.

ARTICLE 6

Conversion of an allotment into one or more assignments and the associated co-ordination and notification procedures

Section 1: Basic principles of the conversion of an allotment into one or more assignments

- 6.1.1** When an administration intends to convert an allotment which is in accordance with this Special Arrangement into one or more assignments, or to modify a T-DAB assignment, it shall, using the procedures in Annex 4, determine if the assignment exceeds the field strength limits of the corresponding allotment in the Plan. If the limits are not exceeded, co-ordination is not required and the procedure in Section 2 below shall be applied. Otherwise, co-ordination is required and the procedure in Section 3 shall be applied.
- 6.1.2** When an administration intends to convert an allotment agreed on a bilateral or multilateral basis in the band 87.5 - 108 MHz and listed in Annex 5 into an assignment, it shall use the procedures given in 6.1.1 above. However, following successful completion of these procedures, the assignments shall be recorded in the T-DAB Assignment List as not being part of the Plan.
- 6.1.3** When an administration intends to suppress an assignment from the Assignment List, the same procedure as for the suppression of an allotment shall be used (see Article 4).

Section 2: Cases where co-ordination is not required

- 6.2.1** The administration shall send details of the proposed new or modified assignment to the Plan Management Body who shall publish these details.
- 6.2.2** An administration considering that co-ordination may be required shall, within six weeks of the date of publication, inform the requesting administration giving its reasons for doing so, with a copy to the Plan Management Body.
- 6.2.3** If there are no requests for co-ordination within six weeks of the date of publication, the Plan Management Body shall, upon request of the administration, include the assignment in the T-DAB Assignment List.

Section 3: Cases where co-ordination is required

- 6.3.1** The administration shall, using the procedures listed in Annex 4, identify those administrations likely to be affected and send a request for co-ordination to them. The

details listed in Annex 3 of the proposed new or modified assignment, together with the names of administrations with which co-ordination has been sought, shall also be sent to the Plan Management Body who shall publish these details.

- 6.3.2** Following receipt of this publication, an administration considering that it is also affected shall inform the requesting administration and the Plan Management Body within six weeks, giving its reasons for doing so.
- 6.3.3** Replies to a co-ordination request shall be given within a period of twelve weeks. If no reply has been received within this period, an urgent reminder shall be sent. If, two weeks after dispatch of the reminder, no reply has been received, the administration with which co-ordination has been sought shall be considered to have agreed to the proposed assignment.
- 6.3.4** The requesting and affected administrations shall, by mutual agreement, decide whether it is necessary to apply the procedure described in Article 4 to obtain a modification to the Plan.
- 6.3.5** If the administrations concerned decide that application of the Article 4 procedure is not necessary because an agreement on the technical characteristics of the assignment was obtained in the course of consultations, the requesting administration shall inform the Plan Management Body of these technical characteristics. This assignment shall be considered as in accordance with the Plan and the Plan Management Body shall include it in the T-DAB Assignment List.
- 6.3.6** If the administrations concerned decide that application of the Article 4 procedure is necessary, the requesting administration shall apply the Article 4 procedure and inform the Plan Management Body accordingly.

Section 4: Co-ordination of new assignments and suppression of assignments to stations of other radiocommunication services

- 6.4.1** An administration may at any time assign frequencies to stations of other radiocommunication services in the bands 47 - 68 MHz and 230 - 240 MHz provided that the relevant limits specified in Annex 2 are not exceeded. If they are exceeded, the agreement of any affected administrations shall be obtained by means of bilateral or multilateral agreements.
- 6.4.2** When an administration intends to suppress an assignment to a station or, where applicable, a service area of other radiocommunication services in the bands 47 – 68 MHz and 230 – 240 MHz, it shall inform the administrations with which co-ordination of the station or service area had been carried out. The administration shall also inform the Plan Management Body.

Section 5: Notification of T-DAB assignments to the Radiocommunication Bureau

- 6.5.1** When a Contracting Administration proposes to bring into use a T-DAB assignment in accordance with this Special Arrangement, it shall seek the agreement of non-Contracting Administrations whose services are likely to be affected. The result of co-ordination shall be sent to the Radiocommunication Bureau when notifying the T-DAB assignment in accordance with the provisions of Article 11 of the Radio Regulations. The Contracting Administration shall also indicate that the assignment is in accordance with this Special Arrangement.
- 6.5.2** Notices of T-DAB assignments in accordance with this Special Arrangement will not be examined by the Radiocommunication Bureau with respect to harmful interference to or from the assignments recorded in the ITU Master Register on behalf of Contracting Administrations.
- 6.5.3** T-DAB assignments used in accordance with this Special Arrangement and in the frequency bands subject to the provisions of the Stockholm Agreement (1961), as revised in Geneva 2006 will be recorded in the ITU Master Register as not conforming to the Stockholm Agreement (1961), as revised in Geneva 2006.
- 6.5.4** T-DAB assignments used in the frequency bands subject to the Provisions of the Geneva Agreement (1984) will be recorded in the ITU Master Register as not conforming to the Geneva Agreement (1984). Moreover, assignments in the band 100 - 108 MHz shall include a specific reference to the fact that the station will be operated in accordance with the provisions of No. 4.4 of the Radio Regulations. These assignments will be recorded in the ITU Master Register subject to the provisions of No. 11.42.
- 6.5.5** Notices of T-DAB assignments in accordance with this Special Arrangement in the band 230 - 240 MHz, for which there is no allocation to broadcasting, shall include a specific reference to the fact that the station will be operated in accordance with the provisions of No. 4.4 of the Radio Regulations in relation to non-Contracting Administrations, except in the case when special arrangements have been concluded. These assignments will be recorded in the ITU Master Register subject to the provisions of No. 11.42.

Section 6: Status of T-DAB assignments in the Assignment List

- 6.6.1** In relations between Contracting Administrations, T-DAB assignments which are part of the Plan and included in the T-DAB Assignment List have the same status and have the degree of protection defined in the technical annexes to this Special Arrangement, irrespective of the date on which they are brought into service.
- 6.6.2** In the band 87.5 - 108 MHz, the status and protection of T-DAB assignments, entered into the Assignment List and marked as not part of the Plan, shall be agreed by separate co-ordination between the administrations concerned. However, the provisions of the current Radio Regulations or of other regional agreements shall apply in relations with other administrations.
- 6.6.3** T-DAB assignments in the band 87.5 - 108 MHz shall not prejudice a future replanning of this band.

Section 7: Exchange of information

- 6.7** Administrations shall communicate information to the Plan Management Body in electronic form. For submission of basic characteristics of T-DAB assignments the record-structure specified in Appendix 2 to Annex 3 shall be used.

ARTICLE 7**Accession to the Special Arrangement**

- 7.1** Any CEPT Administration which has not signed the Special Arrangement may at any time deposit an instrument of accession with the Chairman of the ECC, who shall immediately inform the other administrations. Accession to the Special Arrangement shall be made without reservations and shall apply to the Plan as it stands at the time of accession.
- 7.2** Accession to the Special Arrangement shall become effective on the date on which the instrument of accession is received by the Chairman of the ECC.

ARTICLE 8**Scope of application of the Special Arrangement**

- 8.1** The Special Arrangement shall bind Contracting Administrations in their relations with one another but shall not bind those administrations in their relations with non-Contracting Administrations.
- 8.2** If a Contracting Administration enters reservations with regard to any provision of this Special Arrangement, other Contracting Administrations shall be free to disregard such provisions in their relations with the administration which has made such reservations.

ARTICLE 9**Notification of this Special Arrangement to the ITU**

- 9** In accordance with No. 6.5 of the Radio Regulations the Chairman of the ECC, through his Administration, shall notify the Secretary-General of the ITU of the conclusion and content of this Special Arrangement and shall provide details of:
- any administration which denounces this Special Arrangement;
 - the expiry of the Special Arrangement;
 - any administration which accedes to this Special Arrangement.

ARTICLE 10

Denunciation of the Special Arrangement

- 10.1** Any Contracting Administration may denounce this Special Arrangement at any time by a notification sent to the Chairman of the ECC, who shall inform the other Contracting Administrations.
- 10.2** Denunciation shall become effective one year after the date on which the Chairman of the ECC receives the notification of denunciation.
- 10.3** On the date on which the denunciation becomes effective, the Plan Management Body shall delete from the Plan the allotments entered in the name of the Administration denouncing the Special Arrangement.

ARTICLE 11

Revision of the Special Arrangement

- 11** With the exception of modifications to the Plan in accordance with Article 4, a revision of this Special Arrangement shall be decided only by the Contracting Administrations at a CEPT meeting convened by the ECC in accordance with its procedures, to which at least all the Contracting Administrations shall be invited.

ARTICLE 12

Entry into force and duration of the Special Arrangement and other provisions

- 12.1** This Special Arrangement as revised in Constanța 2007 shall enter into force on 1 September 2007, at 0001 hours UTC.
- 12.2** This Special Arrangement and the annexed Plan have been established with a view to meeting the requirements for T-DAB.
- 12.3** This Special Arrangement shall remain in force until it is abrogated by the Contracting Administrations at a CEPT meeting convened by the ECC in accordance with its procedures, to which all the Contracting Administrations shall be invited.

ARTICLE 13

Cases where ratification is required

- 13.1** In accordance with the constitutional rules in force in their respective countries, some administrations may only be bound by this Special Arrangement subject to ratification.

- 13.2** The instrument of ratification shall be deposited, in as short a time as possible, with the Federal Ministry of Economics and Technology of the Federal Republic of Germany which shall notify the Contracting Administrations of each deposit of ratification.