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Prague, 13 January 2010
Ref.: 97 059/2009-613

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), as later amended (hereinafter referred to as the “Act”), Act No. 500/2004 Coll., the Administrative Code, as later amended, and on the basis of the decision of the Council of the Czech Telecommunications Office (hereinafter referred to as 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 a Measure of General Nature this

**General Authorisation No. VO-R/2/01.2010-1
for the use of radio frequencies and for the operation of the stations of wireless local information systems (BMIS) in the 70 MHz frequency band.**

Article 1
Introductory provision

The apparatus operating conditions^{1),2)} and the radio frequency use conditions, related to the operation by natural and juristic persons (hereinafter referred to as “users”) of the land mobile service transmitting radio equipment constituting part of the wireless local information systems (BMIS) in the 70 MHz frequency band (hereinafter referred to as “stations”) are set out in the Act and in this General Authorisation under Section 10(1) of the Act.

Article 2
Actual Conditions

- (1) The actual conditions related to Section 10(1)(n) of the Act are as follows:
- a) the stations may only be operated for the purpose of the one-way transmission of the signal to notify natural and juristic persons with regard to signal coverage in one built-up area (e.g. municipality, town, industrial zone),

1) Section 73 to 75 Act.

2) Standard ČSN ETSI EN 300 086 – Electromagnetic Compatibility and Radio Spectrum Matters (ERM) – Land mobile service – Radio equipment with an internal or external RF connector, intended mainly for analogue speech.
ČSN ETSI EN 300 113 – Electromagnetic Compatibility and Radio Spectrum Matters (ERM) – Land mobile service – Radio equipment intended for the transmission of data (and/or speech), using constant or non-constant envelope modulation and having an antenna connector.
ČSN ETSI EN 300 219 – Electromagnetic Compatibility and Radio Spectrum Matters (ERM) – Land mobile service – Radio equipment transmitting signals to initiate specific response in the receiver.

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

b) technical parameters of the stations are as follows:

The frequencies should be used	Complementary conditions	Radiated power
67.6000; 67.8250; 67.9125; 68.2000; 68.6500; 69.0750; 70.6000; 70.8250; 70.9125; 71.2000; 71.6500; 72.0750 MHz	the simplex analogue transmission of signal with the frequency or phase modulation	2 W e.r.p.
67.9500; 68.2500; 70.9500; 71.2500 MHz	the simplex digital transmission	2 W e.r.p.

- c) the maximum occupied bandwidth of the transmission is 16 kHz, the channel spacing is 25 kHz or the maximum bandwidth of the transmission is 10 kHz, the channel spacing 12.5 kHz,
- d) the intensity of electromagnetic field at state borders is 6 dB μ V/m at the most at a height of 10 m above the ground,
- e) when designing the BMIS and selecting the frequency, it is necessary to respect the announced BMIS stations already existing within a distance of up to 15 km, with which the new operation could interfere,
- f) the stations are operated on shared frequencies,
- g) the operation of the station is not protected against interference from the transmitting radio stations of another radio communication service operated on the basis of an individual authorisation for using radio frequencies, or by other BMIS stations. If there is any interference, the users shall agree on a solution. The user who announced the station causing the interference later shall remove the interference at his own cost, or stop the operation,
- h) the station may be neither electrically nor mechanically modified.

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

- a) the user shall notify the Office about the fact that the station was put into the operation, not later than 1 month after, but not earlier than the station was put into the operation, on the prescribed form (hereinafter referred to as the "registration form"), announcing particularly:
 - 1. name and registered address of the operator of the system,
 - 2. location of the antenna system of the station, i.e. the name and address of the site, its geographical co-ordinates and altitude above sea level,
 - 3. height of the antenna system above the ground,
 - 4. transmission frequency,
 - 5. date of entry into the operation.
- b) the Office shall publish the registration form pursuant to point a) on its web pages www.ctu.cz,
- c) for the purposes of Section 2(1)(c) and (e) the date of the announcement of the station is considered to be the date the properly completed registration form is delivered to the Office,
- d) the user shall notify the Office about the termination of station operation not later than 1 month after the operation was terminated.

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Article 3
Transitional Provisions

The stations are considered as announced in accordance with this General Authorisation providing that were announced pursuant to Article 2, paragraph 2 (a) of General Authorisation No. VO-R/2/03.2007-5 and were put into the operation not later than 31 March 2010.

Article 4
Final Provisions

Also considered as a station 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 station for which the Office decided to approve the radio equipment 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 station was released to the market before 1 April 2003.

Article 5
Repealing Provisions

This is to repeal General Authorisation No. VO-R/2/03.2007-5, ref. No. 64 344/2006-613, dated 5 March 2007, published in Issue 7/2007 of the Telecommunications Bulletin.

Article 6
Effect

This General Authorisation is effective from 1 March 2010.

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Explanatory Memorandum

To implement Section 9 of the Act No. 127/2005 Coll., the Office issues General Authorisation No. VO-R/2/01.2010-1 for the use of radio frequencies and for the operation of the stations of wireless local information systems (BMIS) in the 70 MHz frequency band (hereinafter referred to as the "General Authorisation").

This General Authorisation is based on the principles set out in the Act No. 127/2005 Coll., and also on the frequency plans and harmonisation Objectives of the European Communities, and it replaces the original General Authorisation, which is repealed by Article 5 of this General Authorisation.

The General Authorisation is issued with no limitations of effect. In the event that there is a change to the circumstances on the basis of which the General Authorisation was issued, or there arises a need to adhere to the obligations ensuring from the Czech Republic membership in international organisations, or to ensure the defence and security of the country, the General Authorisation can be amended or cancelled in a manner according to the law.

Article 2 contains the conditions of operation of BMIS stations. These conditions are based on Directive No. 1995/5/EC of the European Parliament and of the Council on radio equipment and mutual recognition of their conformity, as well as on the requirements resulting from exercising radio spectrum administration.

After the issue of General Authorisation No. VO-R/2/03.2007-5 the Office evaluated the surroundings in the operation of the BMIS stations and in announcement to the Office of their setting into operation. In addition the Office received the proposals from the users to amend the General Authorisation. On basis of these facts the Office carried out in comparison with General Authorisation No. VO-R/2/03.2007-5 in the sense of Section (12) of the Act following changes:

1. For the fulfilment of the announcement obligation the Article 2, paragraph No.2, letter a) was modified in the following manner: the former text, "not earlier than one month before the station is planned to be activated and not later than on the date recorded on the registration form", was replaced as follows: "not later than one month after the station was put into the operation. Incorrect behaviour of some users who do not fully observe announcement conditions incited the concern to revise the announcement obligation set down in General Authorisation. New wording will enable more effective supervision. In relation to the facts aforementioned was removed text from General Authorisation No. VO-R/2/03.2007-5 Article 2, paragraph No.2, the letters d) and e).
2. In Article 2 paragraph No.1, letter b) nine digits codes in the definition of the class of operations were replaced by the type of modulation. The maximum occupied bandwidth of the transmission was also modified (Article 2(1), (c)). This change was caused by the fact, that in view of the technical development and taking into account the principle of technological neutrality, the quite precise definition of the modulation type by means of nine digits codes does not appear as practical.
3. The frequencies for the simplex operations 68.2000 MHz and 71.2000 MHz were added to Article 2, paragraph No.1, letter b). This change is caused by the fact, that as consequence of BMIS stations development there are no free frequencies available in certain areas for analogue transmission.

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Article 3 stipulates the transitional provisions related to the change of the way of announcement stations. The stations that were announced according to previous General Authorisation No. VO-R/2/03.2007-5, but did not put into operation (paragraph no.3) until 31 March 2010, shall be announced again in the sense of General Authorisation No. VO-R/2/ 01.2010-1.

Article 4 stipulates the possibility to operate the equipment which was placed on the market before General Authorisation entered into force.

Article 5 declares the repeal of General Authorisation No. VO-R/2/03.2007-5.

Article 6 stipulates the effect of General Authorisation. The date of the effect is set with respect to one month term for the announcement before the stations will be put into the operation, as applied in practice by involved subjects. Stipulated date of the effect is in accordance with one month term between the announcement and setting the station into operation. This will provide to affected subjects adequate time to familiarise with new arrangement.

On the basis of Section 130 (5)(1) of the Act and in accordance with the Rules of the Czech Telecommunication Office for consultation at the discussion site, the Office published on 20 November 2009 the draft of the General Authorisation No. VO-R/10/xx.2010-y. No comments in accordance with the Rules of the Czech Telecommunication Office for consultation at the discussion site during thirty days of public consultation were received.

Beyond framework of these comments the Office received one standpoint related to formal textual modification in Article 2, paragraph No.2, letters d) and e) linked with letter a). This standpoint was accepted.

On behalf of the Council
of the Czech Telecommunication Office
Pavel Dvořák
Chairman of the Council
of the Czech Telecommunication Office
<signed>