

AGREEMENT

BETWEEN THE ADMINISTRATIONS OF

AUSTRIA, CROATIA and SLOVENIA

concerning the approval of

ARRANGEMENTS BETWEEN OPERATORS OF

RADIOCOMMUNICATIONS NETWORKS

Vienna, 5th February, 2002

1 Preamble

This Agreement concluded between the Administrations of Austria, Croatia and Slovenia within the framework of the “Vienna Agreement (Berlin 2001)” is a supplement to the “Special Agreements” concerning the use of the frequency bands.

All relevant information concerning the operators for which this Agreement is applicable is given in the Annex.

This Agreement lays down the provisions concerning the approval of arrangements between the operators of radiocommunications networks by the Signatory Administrations.

The aim of these arrangements between operators (see §1.3.7 of the “Vienna Agreement, Berlin 2001”) is to ensure a more efficient spectrum utilisation for the situation prevailing at the common frontier, and to reduce the amount of administrative effort.

2 Scope of the arrangements between operators

All arrangements between operators of radiocommunications networks exceeding the scope of the pertinent “Special Agreements” are subject to the approval of the Signatory Administrations.

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

3 Procedure

3.1 Each operator of a radiocommunications network shall submit to its respective administration the arrangements along with its application for approval.

3.2 Each administration shall transmit its approval to the affected administrations.

3.3 Each administration affected shall indicate its comments to the requesting administration.

3.4 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.

4 General provisions

- 4.1 The arrangements negotiated within the framework of this Agreement shall only take effect after the operators concerned have obtained the approval of its respective administration.
- 4.2 Operators may negotiate arrangements which concern only the common part of those frequency bands in respect of which they have been granted the approval for the installation and operation of a radiocommunications network by the Signatory Administration without affecting the rights of non-involved third parties.
- 4.3 Approved arrangement between operators shall become invalid if:
- the operator loses its licence for the installation and operation of the network or the licence is changed
 - the relevant network has ceased operation
 - the "Special Agreement" is annulled or revised; in such a case, transitory provisions shall be negotiated between the administrations concerned
 - interference occurs which cannot be eliminated by mutual consent of the operators; in this case the arrangement becomes invalid only in respect of the base station(s) concerned.
- 4.4 The operators are not allowed to negotiate any arrangements with representatives of foreign telecommunications authorities.

5 Revision

With the consent of the other Signatory Administrations, this Agreement can be revised at the request of any one of the Signatory administrations when such a revision becomes necessary in the light of administrative, regulatory or technical developments.

6 Withdrawal from the Agreement

Each Signatory Administration may withdraw from the Agreement subject to a 6 months period of notice. A declaration to that effect shall be addressed to the handling administration of the „Vienna Agreement (Berlin 2001)“.

7 Language of the Agreement

This Agreement has been concluded in the English language and in one original which is retained at the handling administration of the “Vienna Agreement (Berlin 2001)“.

8 Date of entry into force

This Agreement enters into force at the date of its signature.

For the Austrian Administration

(J. Franzl)

For the Croatian Administration

(A. Dodig)

For the Slovenian Administration

(I. Lampe)