



Agentschap Telecom
Ministerie van Economische Zaken

**AGREEMENT BETWEEN THE ADMINISTRATIONS OF
ANGUILLA, FRANCE AND ST. MAARTEN AND THE STATE
OF THE NETHERLANDS FOR SABA, ST. EUSTATIUS
CONCERNING THE SPECTRUM COORDINATION OF
BROADCASTING RADIOCOMMUNICATION NETWORKS IN
THE FREQUENCY RANGE 470-694 MHz**

Anguilla 10th of June 2016

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1 INTRODUCTION

The representatives of the Administrations of Anguilla (AIA), France (F), St. Maarten (SXM) and the State of the Netherlands (HOL) for Saba and St. Eustatius (BES), taking into account the recommendations of the International Telecommunication Union, have concluded this actual Agreement, under Article 6 of the Radio Regulations, on the coordination of frequencies used by broadcasting radio-communication networks in the spectrum range 470 MHz to 694 MHz.

The geographical area concerned includes the territories of St Maarten/St Martin (F and SXM), Anguilla (AIA), St Barthélemy (F), Saba and St Eustatius (BES)¹.

The provisions of this Agreement add to the mandatory requirements of the ITU Constitution and the ITU Radio Regulations, which have both the status of an International Treaty, and in particular:

- No.°197 of the ITU Constitution: *"All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Member States or of recognized operating agencies, or of other duly authorized operating agencies which carry on a radio service, and which operate in accordance with the provisions of the Radio Regulations."* (This exact disposition is repeated in Article°0.4 of the ITU Radio Regulations.)
- No.°198 of the ITU Constitution: *"Each Member State undertakes to require the operating agencies which it recognizes and the other operating agencies duly authorized for this purpose to observe the provisions of No. 197 above."*
- No.°199 of the ITU Constitution: *"Further, the Member States recognize the necessity of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in No. 197 above."*
- Article°15.2 of the ITU Radio Regulations: *"Transmitting stations shall radiate only as much power as is necessary to ensure a satisfactory service"*
- Articles°15.3, 15.4 & 15.5 of the ITU Radio Regulations: *"In order to avoid interference [...], a) locations of transmitting stations and, where the nature of the service permits, locations of receiving stations shall be selected with particular care; b) radiation in and reception from unnecessary directions shall be minimized by taking the maximum practical advantage of the properties of directional antennae whenever the nature of the service permits"*

In accordance with the above articles and dispositions of the ITU Constitution and the ITU Radio Regulations:

- Emissions aiming at Dutch St Maarten (SXM) from other territories must be reprovred;
- Emissions aiming at French St Martin & St Barthélemy (F) from other territories must be reprovred;
- Emissions aiming at Anguilla (AIA) from other territories must be reprovred;
- Emissions aiming at Saba and St. Eustatius (BES) from other territories must be reprovred;
- the location, the output power and the antenna height and pattern of all stations in the network shall be selected in such a way that their range is confined, as far as possible, to the zone to be covered by the intended service within the national territory. For example, in border areas, directional antennas shall be used in order to minimise the potential interference in adjacent territories.

¹ Bonaire, also part of the geographical area BES, is not subject to this agreement

Taking account the unique geographical situation of the area of St Maarten/St Martin (F and SXM), Anguilla (AIA), St Barthélemy (F), Saba and St. Eustatius (BES), this actual frequency coordination Agreement has been established with a view to:

- reducing problems of harmful interference² between radio-communication systems operating in neighbouring countries;
- optimising the use of spectrum resources in the border areas.

2 SPECTRUM COORDINATION IN THE FREQUENCY RANGE

The coordination procedure shall be based on the concept of preferential frequencies. The frequency bands shall be split into groups of frequencies which shall be assigned between the three countries as "preferential frequencies".

2.1.1 Preferential / Non-preferential division

Center Frequency	8 MHz channel	ADMINISTRATION
474	21	SXM
482	22	SXM
490	23	SXM
498	24	SXM
506	25	SXM
514	26	SXM
522	27	SXM
530	28	SXM
538	29	SXM
546	30	AIA/BES
554	31	AIA/BES
562	32	AIA/BES
570	33	AIA/BES
578	34	F
586	35	F
594	36	F
602	37	F

² Article^o1.169 of the ITU Radio Regulations

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Center Frequency	8 MHz channel	ADMINISTRATION
610	38	Radioastronomie
618	39	F
626	40	F
634	41	F
642	42	F
650	43	F
658	44	AIA/BES
666	45	AIA/BES
674	46	AIA/BES
682	47	AIA/BES
690	48	AIA/BES

Table 1 – Preferential/Non preferential division

It is recognized that the assignments of Saba and St. Eustatius (BES) for broadcasting stations must be compatible with the administrations of Sint Maarten and Anguilla.

In the case of a Single Frequency Network deployed by one Administration from other geographical areas, preferential frequencies may be considered of the originating country subject to application of section 2.1.3.

Before any use of a frequency the administration of Saba and St. Eustatius (BES) will send an official request as described in section 2.1.3.

2.1.2 Use of preferential and non-preferential frequencies

Country A using non-preferential frequencies shall not cause harmful interference to the neighbouring country B to which these frequencies are preferential frequencies.

Country A using non-preferential frequencies cannot claim protection from harmful interference from the neighbouring country B to which these frequencies are preferential frequencies.

Any use of non-preferential frequencies must be formally coordinated in line with the procedure set forth in section 2.1.3

2.1.3 Official coordination procedure

In the instances in which the procedure set forth in the present section is required the notification/request Administration must issue a notification in accordance with the stipulations set forth in **Annex 1**, to the Administration that may be affected by the use of the frequency.

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In the event of harmful interference however the relevant data for evaluation and treatment of the interference must be exchanged between the Administrations (requesting- and to be affected Administration).

The notification issued by the requesting Administration shall in addition contain information on the projected date for commencement of the use/operation, the centre frequency of its system and the name of the operator to whom the frequency will be assigned.

3 REVIEW AND FOLLOW UP OF THE AGREEMENT

Any signatory Administration may request a review of this Agreement. Any part of this Agreement may be revised in the light of future developments, i.e. introduction of new technologies and experience in the operation of the networks covered by the Agreement. Any changes shall be formalized in a contract variation.

4 TERMINATION OF THE AGREEMENT

Any signatory Administration may withdraw from this Agreement subject to 6 months notice.

5 Date of entry into force

This Agreement will enter into force on 10/06/2016.

Done at Anguilla on 10/06/2016.

For Anguilla

Mr. L. Franklin

For France

Mr. C. Perros

For Sint Maarten

Mr. A. Carty

For Saba and St Eustatius

Mr. O.F.V. de Bruyne

Mr. K. Banks

Annex 1: Exchange of information for the frequency coordination procedure

In the instances in which the procedure set forth in 2.1.3 is required the notification/request issued by the requesting administration to the Administration to be affected shall contain the information set forth in sections a-m, unless otherwise determined in bi/multi-lateral agreements:

- a) carrier frequency [MHz]
- b) name of transmitter station
- c) country of location of transmitter station
- d) geographical coordinates [latitude, longitude]
- e) effective antenna height [m]
- f) antenna polarization
- g) antenna azimuth [deg]
- h) directivity in antenna systems or antenna gain [dBi]
- i) effective radiated power [dBW]
- j) expected coverage zone or radius [km]
- k) date of entry into service [month, year]
- l) antenna tilt (deg / Electric and mechanic tilt)
- m) antenna pattern or envelop.

Upon the receipt of the notification/request the Administration to be affected shall evaluate the request for coordination and shall within 30 days of receipt thereof, convey the result of the evaluation to the Administration requesting coordination.

If in the course of the coordination procedure the Administration to be affected requires additional information, it may request such information.

If no reply is received by the Administration requesting coordination within 30 days it may send a reminder to the Administration to be affected. An Administration not having responded within 30 days following receipt of the communication of the reminder shall be deemed to have given its consent and the coordination may solely be put into use/operation with the characteristics as set forth in the request for coordination.

The periods mentioned above may be extended by common consent.

In general, Administrations may diverge from the technical parameters, calculation method and procedures described in this Technical Agreement subject to multi-lateral agreements.

