Draft

Ordinance of the Federal Minister of Housing, Arts, Culture, Media and Sport granting general licences for the operation of radio equipment 2025 (General Radio Equipment Licensing Ordinance 2025 – GenBV 2025)

On the basis of § 28(10) of the Telecommunications Act 2021 – TKG 2021, Federal Law GazetteI No 190/2021, last amended by the Federal Act published under Federal Law GazetteI No 75/2024, the following is hereby decreed:

General licences

§ 1. The general licence for the installation and operation of:

1. radio transmitters for specific interfaces (§ 2),
2. radio stations operating on inland lakes (§ 3),
3. radio equipment in closed metallic containers and radio-shielded rooms (§ 4),
4. radio equipment which is allowed to be operated in frequency ranges harmonised throughout the European Union (§ 5), as well as
5. radio equipment pursuant to §10(9), § 13, § 40 and § 43 of the Frequency Utilisation Ordinance 2013 (FNV 2013), Federal Law Gazette II No 63/2014

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Radio transmitters for specific interfaces

§ 2. (1) Radio transmitters for specific interfaces are radio transmitters which

1. comply with the provisions of the Radio Equipment Market Surveillance Act 2016 (FMaG 2016), Federal Law Gazette I No 57/2017, last amended by Federal Law GazetteI No 54/2024 and
2. whose design enables operation exclusively within the scope of the interface specification provided in Tables 1 and 2 of the **Annex**.

(2) If the provisions of the FMaG 2016 do not apply to a radio transmitter as defined by Paragraph 1, the following shall apply to the device in question:

1. If the device was first put into operation before 19 July 2009, it must comply with the provisions of the Electromagnetic Compatibility Ordinance 1995, Federal Law Gazette No 52/1995.
2. If the device was first put into operation between 20 July 2009 and the end of 19 April 2016 it must comply with the provisions of the Electromagnetic Compatibility Ordinance 2006, Federal Law GazetteII No 529/2006.
3. If the device was first put into operation on or after 20 April 2016, it must comply with the provisions of the Electromagnetic Compatibility Ordinance 2015, Federal Law GazetteII No 22/2016.

(3) Radio equipment as defined by this provision may only be operated for the purpose specified in the ‘Equipment category’ column of Table 1 and Table 2 of the **Annex**.

(4) The operating restrictions and conditions mentioned in the radio interface descriptions must be complied with during operation.

(5) Before the radio equipment listed in Table 2 of the **Annex** is put into operation for the first time and before it is put into operation for the first time after significant modifications, notification must be filed in accordance with Art. 33 of the Telecommunications Act 2021 (TKG 2021).

Radio stations operated on inland lakes

§ 3. (1) Radio stations operating on inland lakes are radio equipment which

1. co-operates with a trunked radio system whose base stations are not set up and operated in Austria,
2. are deemed to have been approved in the state in which the base stations are installed and operated and
3. are installed and operated on board vessels.

(2) Radio equipment as defined by Paragraph 1 may be operated exclusively on inland lakes which are not entirely located on Austrian territory.

Radio equipment in closed metallic containers and radio-shielded rooms

§ 4. Radio equipment in closed metallic containers and radio-shielded rooms is radio equipment which:

1. was first put into operation prior to 1 November 2009 and are operated exclusively inside metallic containers closed on all sides, or
2. was first put into operation before the end of 19 July 2009 and is operated exclusively inside containers that suppress electromagnetic emissions to an extent sufficient to meet the requirements of the Electromagnetic Compatibility Ordinance 1995, Federal Law Gazette No 52/1995, as amended by Federal Law Gazette No 4/1996, or
3. was first put into operation after 19 July 2009, but before 1 November 2009, and is operated exclusively inside containers that suppress electromagnetic emissions to an extent sufficient to meet the requirements of the Electromagnetic Compatibility Ordinance 2006, Federal Law Gazette IIII No 529/2006, or
4. are operated inside radio-shielded rooms, provided that the values measured outside these rooms are below the values defined in Recommendation ECC/REC/74-01 of the Electronic Communication Committee within the European Conference of Postal and Telecommunications Administrations (CEPT).

Radio equipment which is allowed to be operated in frequency ranges harmonised throughout the European Union

§ 5. (1) Radio equipment as defined by § 1(4) is equipment which is allowed to be operated in frequency ranges harmonised throughout the European Union and may be put into operation and used without restriction in the European Union, and whose radio characteristics cannot be changed by the user.

(2) The operation of radio receivers that do not include radio transmitters is only permitted for receiving radio communications that the operator is authorised to receive.

(3) The connection, in particular between broadcast reception equipment and a cable TV network, must be made with shielded connection cables so that the standards applicable to broadcast reception equipment and cable TV networks under EU law are complied with.

References to other legal provisions

§ 6. If this Regulation refers to other regulations or federal acts, these are to be applied – unless otherwise expressly ordered – in their current version.

Rules of conduct

§ 7. (1) When using radio equipment generally licenced in accordance with § 1, any existing supplementary rules of conduct under other legal provisions must be observed and followed when exercising the licence. In particular, if it is possible to operate the radio transmitter with different antennas, it must be ensured that the product of the power supplied to the antenna by the transmitter and the gain of the antenna does not exceed the permissible radiated power defined in the interface specification.

(2) It may also be specified that certain radio equipment is subject to a notification duty under § 33 of the Telecommunications Act 2021. Notifications must be submitted in writing and must contain:

1. the name and address of the operator;
2. information on the intended use of the radio equipment;
3. information on the radio equipment’s mode of functioning.

(3) Interference from other licenced radio equipment must be expected during the operation operating generally licenced radio equipment.

Announcements

§ 8. The Telecommunications Office shall publish the radio interface-descriptions (FSB) of the radio equipment generally licenced under this Ordinance on its homepage and keep them available for inspection at its offices during opening hours.

Entry into force and expiry

Section 9. This Regulation shall enter into force on the day following its promulgation. At the same time, the Ordinance of the Federal Minister for Transport, Innovation and Technology, by which general licences are granted, Federal Law GazetteII No 64/2014, as amended by Federal Law GazetteII No 61/2023, shall expire.