



Administrative rules for frequency assignments for short-term use (VVKuNz)

Unofficial translation

In case of divergent interpretation, the German text prevails

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VVKuNz Part B

- Not available -

General part

1. Scope

In accordance with section 91 of the Telecommunications Act (TKG) of 01 December 2021 (Federal Law Gazette I page 1580), each frequency usage requires prior frequency assignment. Frequencies are assigned in accordance with the Frequency Usage Plan (FreqNP). In accordance with section 97(2) TKG frequency assignments that are at variance with the determinations of the Frequency Usage Plan may be granted on a temporary basis to provide frequencies required at short notice. The condition for this is that no degradation is caused to any frequency usage listed in the Frequency Ordinance (FreqV) or the Frequency Usage Plan.

Frequencies for short-term use are assigned as individual assignments, unless general assignments have been granted for the proposed frequency usage. Such individual assignments are in conformity with section 91(3) TKG since, in the case of the short-term use of frequencies, the risk of harmful interference cannot be ruled out or individual assignment is necessary in order to secure the efficient use of frequencies. The short-term use of frequencies is therefore coordinated with other frequency usages.

In the case of the short-term use of frequencies, a distinction is made between short-term frequency assignments and temporary individual assignments granted on the basis of other applicable administrative rules.

These administrative rules apply solely to the frequency assignment procedure for short-term frequency assignments. Reference is made to the relevant administrative rules for temporary individual assignments.

These administrative rules lay down detailed regulations for short-term frequency assignments to ensure a uniform administrative practice. Short-term frequency assignments are assignments granted for the use of frequencies for a limited period of time for a wide variety of events such as:

- media events (for example television broadcast recordings)
- sports events (for example motor sports teams)
- temporary work assignments (for example industry audits)
- congresses/meetings/trade fairs
- concerts and open air events
- state visits.

These administrative rules also include supplementary regulations for other frequency assignments (individual and general assignments in accordance with the Frequency Usage Plan, including those limited to a short period) for certain events (see section 5).

2. Terms and definitions

The terms used in these administrative rules are as defined in particular in the Telecommunications Act, the Frequency Ordinance, the Frequency Usage Plan and the Radio Regulations (RR) of the International Telecommunication Union (ITU).

Further definitions are given where appropriate.

3. Frequency assignment procedure

Short-term frequency assignments are granted upon application. Applications must be submitted in text form by post, email or fax to the responsible offices of the Bundesnetzagentur (see section 8). The application form available on the Bundesnetzagentur's website can be used. Applications submitted without using the form must include at least the following information:

- address, telephone number and email address of the applicant (fee payer)
- name and telephone number of a contact on location
- purpose/name of event
- assignment area/location description
- size of assignment area/coverage radius around the transmitting equipment location
- event location/transmitting equipment location (if applicable/available WGS84 geographic coordinates)
- usage period (start and end of use)
- individual days of use, if no consecutive period of days
- usable (programmable) frequency range of the equipment operated
- preferred frequency/frequencies
- bandwidth (kHz/MHz) according to Radio Regulations No 1.153
- maximum transmitter output power (W/mW or dBW/dBmW)
- maximum antenna gain (dB)
- antenna height (above ground level) (m)
- description of the frequency usage (for example wireless microphone, wireless camera, speech, data or video transmission).

Any further information required to secure efficient and interference-free frequency use will be requested from the applicant.

Applicants are requested to submit their applications no later than 15 days before the planned start of use. Timely assignment cannot be guaranteed if applications are submitted later, in particular if frequencies are planned to be used close to borders with neighbouring countries.

Attention is drawn to the fact that the assignment fees for applications that the Bundesnetzagentur receives less than 15 days before the first day of use (based on the receipt stamp for postal applications and the date of receipt in the central email inbox for email applications) are higher, the later the applications are received. More information can be found in the Bundesnetzagentur's special ordinance on fees for frequency assignments (BNetzA BGebV-FreqZut) and in section 7 below.

Note:

Special submission deadlines apply to certain events (for example major events). Details are available on the Bundesnetzagentur's website and from Section 223.

3.1 Frequency use during state visits

Frequencies are used during state visits by the visiting country's representatives or their official entourage.

This does not include frequency use by companies or persons supporting or following a state visit (for example television teams, service companies).

Frequency requests for state visits are basically subject to the same assignment process as applications for short-term frequency assignments.

Applications for short-term frequency assignments for state visits should be submitted to Section 223 at the Bundesnetzagentur by the official representatives of the visiting country via the Federal Foreign Office in Berlin (see also section 8).

In accordance with section 8 of the Federal Fees Act (BGebG), the Bundesnetzagentur's special ordinance on fees for frequency assignments and the Frequency Protection Contributions Ordinance (FSBeitrV) do not apply in this case.

4. Frequency assignment content

The frequency assignment determines the nature and extent of the frequency usage by the parameters set to reflect the purpose of use and by relevant secondary conditions.

The frequency assignment contains determinations on the information specified in section 3 and may be attached to secondary conditions to secure efficient and interference-free frequency use.

Usage restrictions may be set to ensure compatibility with the fixed receivers of the Bundesnetzagentur's radio monitoring and inspection service.

The frequency assignment also includes guidance notes on frequency use.

Short-term frequency assignments cover the use of channels or radio networks. In this context, a channel usually comprises either a lower band and an upper band frequency (duplex channel, frequency pair = 2 frequencies) or just one frequency (simplex channel). Any applicable special conditions are set out in the relevant section of these administrative rules.

A radio network within the scope of a short-term frequency assignment means a base station and/or any number of items of mobile radio equipment operated on one and the same frequency/channel.

As a rule, short-term frequency assignments are "low-priority" frequency usages. This means that short-term frequency assignments may not cause interference to frequencies used under other frequency assignments (individual and general assignments in accordance with the Frequency Usage Plan). Should interference occur, the holder of the short-term frequency assignment must take appropriate measures to protect the individual and general assignments. This may also mean taking the short-term frequency assignment out of use.

Frequency assignments are concerned solely with the telecommunications law aspects of frequency use. This does not affect other provisions relating to, for example, the electrical and mechanical safety of radio equipment (including the antenna system), occupational health and safety, road safety, third party rights, for instance any necessary additional approvals and authorisations (for example authorisations issued under building regulations or private laws).

The assignment may be denied if the subjective requirements for frequency assignment with regard to efficient and interference-free use of frequencies according to section 91(4) TKG are not satisfied. In particular, satisfaction of the subjective requirements by the applicant may be called into question if fees charged by the Bundesnetzagentur have not been paid.

The assignment holder is responsible for compliance with the assignment provisions and the consequences of violations, for example frequency usages without valid frequency assignment, remedial action, administrative fines, non-payment of fees charged by the Bundesnetzagentur.

The Bundesnetzagentur representatives must be provided with any information and documentation on the radio network, radio equipment and radio operations as required in the course of inspections.

4.1 Special conditions relating to location

Short-term frequency assignments are bound to specific events and locations. The following special conditions must be observed:

- a) Assignment for one event at one location
Subsection 4.2 must be observed.
- b) Assignment for several events at one location
Applications must specify all events with the relevant days of use. Subsection 4.2 must also be observed. The same frequencies/channels will be assigned for all events.
- c) Assignment for several events at several locations
Applications must specify all events and event locations with the relevant days of use. Subsection 4.2 must also be observed.
The same frequencies/channels will be assigned for all event locations.
- d) Assignment for area-based frequency usage
In the case of mobile frequency usages not bound to a specific location (for example stage races, marathons), the assignment is granted for a geographically defined area (including several stages). The geographic assignment area must be described in the application (in written or diagram form).
Subsection 4.2 must also be observed.

In accordance with the Bundesnetzagentur's special ordinance on fees for frequency assignments, the assignment area (km²) is taken into account when calculating the fee.

It should be noted here that the smallest assignment area (for example a hall, stadium or festival site) is taken to be 0.5 km² (approximately $r = 400$ m) for each event location (smaller assignment areas are rounded up to 0.5 km²). If an application is for a larger assignment area, the actual area will be taken into account when calculating the fee.

If an application is for frequencies for more than one event location, all the individual assignment areas will be added up to give a total assignment area.

In the case of frequency usages not bound to a specific location (events in several stages), the sizes of the rural and/or urban districts crossed by the route and/or overlapped by the assignment area will be added up to give the total assignment area.

The sizes taken will be the sizes for towns, rural districts and federal states listed by the Federal Statistical Office (as at 31 December 2019).

4.2 Maximum duration and number of days of use

A short-term frequency assignment is granted for a maximum of 30 consecutive days.

An assignment can also be granted for individual, non-consecutive days; in this case, the period from the first to the last day of use must also not be longer than 30 days.

4.3 Special regulations

4.3.1 Use of frequencies for satellite earth stations

Frequencies to be used for specific events by satellite earth stations (earth stations or SNG equipment for outside broadcasts; international SNG) are assigned and charged for as short-term frequency assignments unless an individual frequency assignment under the administrative rules for the assignment of frequencies for satellite communications (VVSatFu) has been applied for.

SNG equipment can be assigned frequencies in the 14-14.25 GHz or 14-14.5 GHz band and in the 29.5-30 GHz band as under the administrative rules for the assignment of frequencies for satellite communications. Only one uplink frequency may be operated from each assigned band. The Bundesnetzagentur must be informed of the uplink frequency provided by the satellite operator at the time of application or at the latest when the SNG equipment is put into operation.

4.3.2 Use of frequencies for broadcasting transmitters

The short-term assignment of frequencies for use by sound or television broadcasting transmitters is subject to the administrative rules for frequency assignments for the broadcasting service (VVRdfk). The regulations on applications and on fees and charges set out in the administrative rules apply.

Applications should be submitted to the local regional office of the Bundesnetzagentur responsible for broadcasting. The addresses and details of responsibility are available on the Bundesnetzagentur's website at www.bundesnetzagentur.de/rundfunk (see also section 8).

4.3.3 Use of frequencies for radio microphone equipment (microphones, in-ear monitors, talkback)

General assignments have been granted for the use of radio microphone equipment (microphones, in-ear monitors, talkback) in certain frequency bands. Details are available on the Bundesnetzagentur's website. The general assignments lay down the technical parameters to be observed (www.bundesnetzagentur.de/allgemeinzuteilungen).

An application for a short-term frequency assignment can be submitted if the planned frequency/frequencies and/or technical parameters differ from those set out in the applicable general assignment. A decision will then be made on a case-by-case basis as to whether the planned usage can be permitted.

The Bundesnetzagentur must be notified of the use of frequencies covered by a general assignment at certain (major) events (see also section 5).

4.4 Other administrative rules

Short-term frequency assignments granted in accordance with the Frequency Usage Plan are also subject to the provisions of the administrative rules applicable to the specific radio application.

5. Notification of frequency usages and marking of transmitting equipment at certain events

Major events and the high number of frequency usages within a limited area at such large-scale events frequently result in an increase in interference cases.

In order to minimise interference and to be able to remedy interference promptly, the Bundesnetzagentur must be aware of all the frequencies used at major events such as World Cups, Formula 1 races and state visits.

The Bundesnetzagentur therefore reserves the right to require holders of other frequency assignments (individual assignments and users under general assignments in accordance with the Frequency Usage Plan) to notify the Bundesnetzagentur of their frequency usages at certain events. This also applies to generally assigned frequencies for radio microphone equipment (see subsection 4.3.3).

The Bundesnetzagentur also reserves the right to inspect and mark all transmitting equipment used at such events. If permission to do so is refused, the Bundesnetzagentur may prohibit the use of the equipment.

Details of the events concerned and the deadlines for notifying frequency usage are available on the Bundesnetzagentur's website (www.bundesnetzagentur.de/kurzzeit) and from Section 223.

6. Fixed receivers of the Bundesnetzagentur's radio monitoring and inspection service

Frequency usages must not cause interference to the fixed receivers operated by the Bundesnetzagentur's radio monitoring and inspection service. Frequency assignment holders must therefore comply with certain maximum permissible field strengths applicable at the monitoring sites to protect the receivers, in particular at shared antenna sites. The maximum permissible field strengths depend on the receivers used at the sites and on the frequency range. Frequency assignment holders are notified individually of the maximum permissible field strengths applicable for their particular frequency range at the monitoring sites.

Frequency usages, in particular transmitters operated within the protection zones, may need to be restricted to ensure compliance with the maximum permissible field strengths.

7. Fees

Fees are charged for assigning frequencies and, under certain conditions, for rejecting or withdrawing applications.

The fees are calculated in accordance with the applicable version of the Bundesnetzagentur's special ordinance on fees for frequency assignments. Frequency assignment holders must also pay annual contributions. These contributions are calculated in accordance with the applicable version of the Frequency Protection Contributions Ordinance.

The fee is calculated for each frequency and depends on both the assignment area (subsection 4.1) and the time of application (in relation to the first day of use, based on the receipt stamp for postal applications and the date of receipt in the central email inbox for email applications; see section 3). The exact calculation formula can be found in Annex 1 to the Bundesnetzagentur's special ordinance on fees for frequency assignments.

Frequency assignment holders are liable for the fees and contributions even if frequencies are not used, irrespective of the reason.

Short-term frequency assignments are not currently subject to contributions under the Frequency Protection Contributions Ordinance.

8. Responsible offices

Applications for short-term frequency assignments should be submitted to the following Bundesnetzagentur offices:

- Applicants (persons or companies) not resident in Germany should contact Section 223 at the Bundesnetzagentur in Mainz.*
- Applicants (persons or companies) resident in Germany should contact the regional office of the Bundesnetzagentur responsible for the event location (exhibition centre, concert hall, etc). The addresses of the regional offices responsible for the various locations are available on the Bundesnetzagentur's website.*
- Applications for short-term frequency assignments for state visits should be submitted to Section 223 at the Bundesnetzagentur by the official representatives of the visiting country via the Federal Foreign Office in Berlin (see subsection 3.1 for restrictions). The exact address is available from Section 223.
- Applications for frequency assignments for sound or television broadcasting transmitters should be submitted to the local regional office of the Bundesnetzagentur responsible for broadcasting. The addresses and details of responsibility are available on the Bundesnetzagentur's website.

(*Certain special events (for example major events) are under the general responsibility of specific regional offices or Section 223 at the Bundesnetzagentur. A list of these events is available on the Bundesnetzagentur's website and from Section 223.)

Section 223 can be contacted as follows:

By post:
Bundesnetzagentur für Elektrizität, Gas, Telekommunikation,
Post und Eisenbahnen
Referat 223
Postfach 8001
55003 Mainz
Germany

By fax: +49 (0) 6131 18-5610

By email: ShortTerm@BNetzA.de

9. Internet

Further information is available on the Bundesnetzagentur's website at:

<http://www.bundesnetzagentur.de/Kurzzeit> (German)

<http://www.bundesnetzagentur.de/shortterm> (English)