



 Bureau Telecommunications
and Post St. Maarten



Agentschap Telecom
Ministerie van Economische Zaken

**AGREEMENT BETWEEN THE ADMINISTRATIONS OF
ANGUILLA, FRANCE, SINT MAARTEN, AND THE STATE
OF THE NETHERLANDS for SABA, ST. EUSTATIUS
CONCERNING THE SPECTRUM COORDINATION OF VHF
SOUND BROADCASTING IN THE FREQUENCY RANGE 88-
108 MHz**

Anguilla 10th June 2016



1 INTRODUCTION

The representatives of the Administrations of Anguilla (AIA), France (F), St. Maarten (SXM) and The State of the Netherlands 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 sound broadcasting in the spectrum range 88-108 MHz.

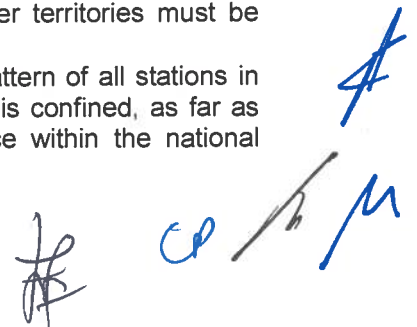
The geographical area concerned includes the territories of St Maarten/St Martin (F and SXM), Anguilla (AIA), St Barthélemy (F), Saba and St Eustatius (BES).

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 reprovod;
- Emissions aiming at French St Martin & St Barthélemy (F) from other territories must be reprovod;
- Emissions aiming at Anguilla (AIA) from other territories must be reprovod;
- Emissions aiming at Saba and St. Eustatius (BES) from other territories must be reprovod;
- 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.

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 interference¹ between radiocommunication systems operating in neighbouring countries;
- optimising the use of spectrum resources in the border areas.

2 SPECTRUM COORDINATION IN THE FREQUENCY RANGE 88-108 MHz

The possibilities and interference scenarios, in particular for 200 KHz adjacent deployment have been evaluated using the ANFR planning tool and so resulting in the following table of frequencies allocated to the territories having the preferential frequency status

	Anguilla	French St Martin	French St Barth	Dutch St Maarten	Dutch Saba/EUX
Anguilla		Impossible	Possible	Should be avoided	Possible
French St Martin	Impossible		Possible	Impossible	Possible
French St Barth	Possible	Possible		Should be avoided	Possible
Dutch St Maarten	Should be avoided	Impossible	Should be avoided		Possible
Dutch Saba/EUX	Possible	Possible	Possible	Possible	

Table 1 – Compatibility matrix

To the preferential frequencies that can be assigned based on the table afore the general rule will apply, that the transmitting power for FM broadcasting, will not exceed 1 KW ERP.

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". The assignment table hereinafter reflects the frequencies that can be assigned based on the allocation table of preferential frequencies. All open and thus unassigned frequencies in the table below are thus reflected as these frequencies cannot be allocated to AIA, SXM and St. Martin F, given the application of all rules on which the allocation table is created.

Based on these general rules and specific case by case considerations the following list of FM broadcast allocations is approved:

ALLOCATION TABLE:

Frequency (MHz)	Allocation	Note
88,0		
88,1	St Barth (F)	
88,2		
88,3	Sint Maarten (SXM)	Note 1
88,4		
88,5	St Barth (F)	
88,6		
88,7	Saba/Eux (BES)	
88,8		
88,9	St Martin (F)	
89,0		

¹ Article°1.169 of the ITU Radio Regulations

Frequency (MHz)	Allocation	Note
89,1	Saba/Eux (BES)	
89,2		
89,3	St Barth (F)	
89,4		
89,5	Anguilla (AIA)	
89,6		
89,7	St Barth (F)	
89,8		
89,9	St Martin (F)	
90,0		
90,1		
90,2		
90,3	Saba/Eux (BES)	
90,4		
90,5	Anguilla (AIA)	
90,6		
90,7	Saba/Eux (BES)	
90,8		
90,9	St Barth (F)	
91,0		
91,1	St Martin (F)	
91,2		
91,3	Saba/Eux (BES)	
91,4		
91,5	Sint Maarten (SXM)	
91,6		
91,7		
91,8		
91,9	Sint Maarten (SXM)	
92,0		
92,1		
92,2		
92,3	Saba/Eux (BES)	
92,4		
92,5	St Martin (F)	
92,6		
92,7	St Barth (F)	
92,8		
92,9	Anguilla (AIA)	
93,0		
93,1	St Barth (F)	
93,2		
93,3	Anguilla (AIA)	
93,4		
93,5		
93,6		
93,7	St Martin (F)	Note 2
93,8		
93,9	Saba/Eux (BES)	
94,0		
94,1		
94,2		
94,3	St Martin (F)	

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Frequency (MHz)	Allocation	Note
94,4		
94,5	Saba/Eux (BES)	
94,6		
94,7	Sint Maarten (SXM)	
94,8		
94,9	Saba/Eux (BES)	
95,0		
95,1	St Martin (F)	
95,2		
95,3	Saba/Eux (BES)	
95,4		
95,5	Anguilla (AIA)	
95,5	St Barth (F)	
95,6		
95,7		
95,8		
95,9	St Martin (F)	
96,0		
96,1	Saba/Eux (BES)	
96,2		
96,3	Sint Maarten (SXM)	
96,4		
96,5		
96,6		
96,7	Anguilla (AIA)	
96,8		
96,9		
97,0		
97,1	Sint Maarten (SXM)	
97,2		
97,3	Anguilla (AIA)	Note 3
97,4		
97,5	St Barth (F)	
97,6		
97,7	Anguilla (AIA)	
97,8		
97,9	Saba/Eux (BES)	
98,0		
98,1	Sint Maarten (SXM)	
98,2		
98,3	Saba/Eux (BES)	
98,4		
98,5	Anguilla (AIA)	
98,6		
98,7	St Barth (F)	
98,8		
98,9	Anguilla (AIA)	
99,0		
99,1	St Barth (F)	
99,2		
99,3	Anguilla (AIA)	
99,4		
99,5	St Barth (F)	

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Frequency (MHz)	Allocation	Note
99,6		
99,7		
99,8		
99,9	Sint Maarten (SXM)	
100,0		
100,1		Note 4
100,2		
100,3	St Martin (F)	
100,4		
100,5		
100,6		
100,7	St Martin (F)	
100,8		
100,9	Saba/Eux (BES)	
101,0		
101,1	Sint Maarten (SXM)	
101,2		
101,3	Saba/Eux (BES)	
101,4		
101,5	St Martin (F)	
101,6		
101,7	St Barth (F)	
101,8		
101,9	Saba/Eux (BES)	
102,0		
102,1	St Martin (F)	
102,2		
102,3	St Barth (F)	
102,4		
102,5		
102,6		
102,7	Sint Maarten (SXM)	
102,8		
102,9		
103,0		
103,1	St Barth (F)	
103,2		
103,3	Anguilla (AIA)	
103,4		
103,5	Saba/Eux (BES)	
103,6		
103,7	St Barth (F)	
103,8		
103,9	Sint Maarten (SXM)	
104,0		
104,1		
104,2		
104,3	Sint Maarten (SXM)	
104,4		
104,5		
104,6		
104,7	St Martin (F)	

Frequency (MHz)	Allocation	Note
104,8		
104,9	St Barth (F)	
105,0		
105,1	Anguilla (AIA)	
105,2		
105,3		
105,4		
105,5	Sint Maarten (SXM)	
105,6		
105,7	Saba/Eux (BES)	
105,8		
105,9	St Martin (F)	
106,0		
106,1		
106,2		
106,3	Sint Maarten (SXM)	
106,4		
106,5	Saba/Eux (BES)	
106,6		
106,7	Anguilla (AIA)	
106,8		
106,9	St Barth (F)	
107,0		
107,1	St Martin (F)	
107,2		
107,3	St Barth (F)	
107,4		
107,5	Anguilla (AIA)	
107,6		
107,7		
107,8		
107,9	Sint Maarten (SXM)	
108,0		

Table 2 – Allocation table

Note 1: The 88.3 MHz allocation to Sint Maarten should add a 10 dB reduction (max 100 W ERP) from at least 110 - 130 degrees to protect St Barths. The associated Sint Maarten station is planned based on the Fort William location

Note 2: The 93.7 allocation to St Martin should add a 10 dB reduction (max 30 W ERP) from 200 – 210° to protect a very low power station on Saba.

Note 3: The 97.3 allocation to Anguilla should add a 10 dB reduction (max 100 W ERP) from at least 170 – 190 ° to protect the Sint Maarten east coast. The associated Sint Maarten station at 97.1 MHz should not be placed at Sint Peter but at the Fort William location to protect Anguilla.

Note 4: AIA authorised radio Caribbean Beacon in 1980 (frequency 100,1 MHz allocated by AIA to Beacon station). In March 2001 radio Caribbean beacon was not on air and SXM authorised Radio Soualiga at 99,9 MHz. Radio Soualiga has been transmitting at 99,9 MHz ever since. Q1 2009, radio Caribbean Beacon returned

on air with low power. SXM is very concerned that this station should not power up since it would cause interference to Radio Soualiga. AIA indicated that they will limit the power of this station to 1 kW as recommended in the report of the last meeting, but could not confirm that this frequency be reallocated according to the frequency plan. F and SXM expressed their wish that AIA reassigns this frequency to one of its 15 frequencies given by the frequency plan.

In 1980 before the liberalization of telecommunications and the proliferation of radio stations, Caribbean Beacon Limited was granted a special licence by the Government of Anguilla to operate a radio broadcasting station in Anguilla of several services including several AM radio channels, an FM radio channel and a Short Wave radio station operating on several frequencies. In 1992 the station renegotiated this Special Licence Agreement with the Government of Anguilla for the purposes of upgrading the station by adding other services such a television channel and a satellite system with uplink and downlink channels. The Special Licence Agreement period is for 25 years and gave the Caribbean Beacon continued authority to operate an FM radio station of 50 KW which they did on a continuous basis until going of the air when the owner died. This caused trauma in the business and the station went of the air for a period of time. By the time it returned to broadcasting, Dutch Sint Maarten had licensed Radio Soualiga to operate on 99.9 MHz. This would obviously cause interference between the two stations.

To note, the Caribbean Beacon is presently transmitting at power level that is not causing interference to Radio Soualiga at 99.9 MHz. Anguilla is endeavouring to have the station reassigned and is currently seeking ways and means to deal with this matter.

This Agreement seeks to co-ordinate the spectrum in the FM band and as part of this co-ordination effort limit all power of FM radio stations to 1KW. Either limiting the power or relocating the Caribbean Beacon may not be possible given the special contract arrangements it has with the Government of Anguilla.

It should be noted that this Agreement has been developed on the basis of equitable access of the spectrum. Any new allocation of the non-allocated frequencies as listed in table 2 should be considered in light of balancing the situation.

3 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 4.

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4 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.

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.

5 MONITORING

Monitoring procedures and enforcement has been implemented by the Administrations of Anguilla (AIA), France (F), St Maarten (SXM) and the Netherlands for Saba and St. Eustatius (BES). Joint measurements and site inspections are planned to optimize resources and to prevent double work. When needed St. Maarten can facilitate measurements with the measurement equipment available in its territory based on cost-related compensation between the Administrations.

Time schedule for monitoring enforcement:

Regular monitoring: agreed upon monitoring executed by the administrations in line with the protocol executed in this regard;

- Infringement events: Whenever monitoring shows infringements on the agreed frequency coordination principles: within 6 weeks of the occurrence.
- Intentional emissions: Whenever monitoring shows intentional emissions aiming at providing coverage and mobile services on the neighbouring territory: immediately.

Administrations have executed a protocol in which the procedures relating to the monitoring, compilation and processing of data and sharing of data with each other will take place. The conditions in said protocol are deemed inserted and repeated herein and form an integral part of this agreement.

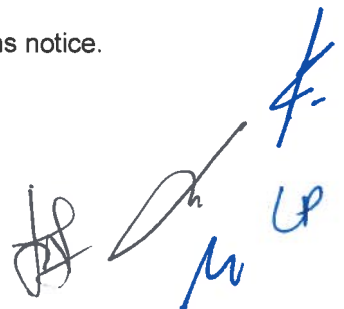
In addition to the agreed upon format for measurement reports, pertinent information regarding the harmful interference, shall be shared between parties concerned, so that vital data may be reviewed and evaluated by the entities affected hereby. The notifications in this regard shall be issued in compliance with the technical parameters described in Annex 1.

6 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.

7 TERMINATION OF THE AGREEMENT

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



8 Date of entry into force

This Agreement will enter into force on 10th of June 2016.

Done at Anguilla on 10th of June 2016

For Anguilla



Mr. L. Franklin

For France



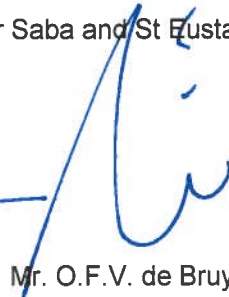
Mr. C. Perros

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 section 4 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 code 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.

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