

## **Amateur Radio Act (Gesetz über den Amateurfunk - Amateurfunkgesetz - AFuG)**

*Reference documents / status: Promulgation as a statute of 23 June 1997 in the Federal Law Gazette Part I, p 1494, of 27 June 1997, entry into force: 28 June 1997, last amended by section 22(2) of the Electromagnetic Compatibility of Equipment Act of 26 February 2008 (Federal Law Gazette Part I, p 220), entry into force: 1 March 2008.*

The German Bundestag has adopted the following Act:

### **Section 1 Scope**

This Act lays down the requirements and conditions governing participation in the amateur service.

### **Section 2 Definitions**

For the purposes of this Act

1. "radio amateur" means the holder of an amateur radio certificate or a harmonised amateur radio examination certificate based on Administrative Order No 9/1995 of 11 January 1995 issued by the Federal Ministry of Posts and Telecommunications (Official Gazette p 21) who is interested in the amateur service solely with a personal aim and without profit-oriented economic interest;
2. "amateur service" means a radio service carried out by radio amateurs for the purpose of intercommunication, experimental and technical-scientific investigations, further self-training, international understanding and the support of relief operations in cases of emergency and disaster; the amateur service shall include the use of space stations. The amateur service and the amateur-satellite service are not safety services;
3. "amateur station" means a radio station consisting of one or more transmitters and receivers, including antenna systems and any accessory equipment required for its operation, which can be operated on at least one of the frequencies listed in the Frequency Usage Plan for the amateur service.

### **Section 3 Requirements for Participation in the Amateur Service, Call Signs, Frequency Assignment**

- (1) Upon application, the Regulatory Authority (section 10) shall admit a natural person to participation in the amateur service by assigning a personal call sign at the same time when such person has passed an examination for radio amateurs or has submitted an amateur radio examination certificate according to section 2 para 1 of this Act.
- (2) The Regulatory Authority shall assign further call signs to the radio amateur upon application. The Federal Ministry of Economics and Technology shall be empowered to lay down, by ordinance having the force of law, the assignment procedure and details of use and sharing of call signs.
- (3) An amateur station may be operated by the radio amateur only after admission to participation in the amateur service and assignment of
  1. a personal call sign,
  2. a call sign for radio operations instruction, or
  3. a call sign for remote-controlled and automatic amateur stations, or
  4. a call sign for club stations.
- (4) While retaining the admission to participation in the amateur service, the Regulatory Authority may change assigned call signs for significant reasons, in particular in the case of changes required by international specifications. Without prejudice to section 49(2) of the Administrative Procedures Act (Verwaltungs-verfahrensgesetz) it may revoke the admission to participation in the amateur service by withdrawing the assigned call signs at the same time if the radio amateur persistently violates this Act or the ordinances having the force of law issued by virtue of this Act.
- (5) The frequencies listed in the Frequency Usage Plan (section 46 of the Telecommunications Act (Telekommunikationsgesetz) of 25 July 1996 - Federal Law Gazette Part I p 1120) for the amateur service shall be deemed assigned to a radio amateur resident in Germany when he has been assigned one or more call signs.

### **Section 4 Amateur Radio Examination, Recognition of Amateur Radio Certificates Issued by Foreign Administrations**

- (1) The Federal Ministry of Economics and Technology shall be empowered to regulate, by ordinance having the force of law, the procedure for holding the amateur radio examination and the requirements concerning its contents, radio operations instruction, the classification of the various types of amateur radio certificate, and the recognition of foreign amateur radio examination certificates, provided they are equivalent to a German amateur radio certificate. Successful completion of the amateur radio examination shall be deemed proof of the knowledge, capabilities and skills required for independent and responsible participation in the amateur service.

- (2) Any natural person resident in Germany shall, upon application, be admitted to the examination for radio amateurs. An amateur radio certificate (section 2 para 1 of this Act) shall be issued upon successful completion of the amateur radio examination according to subsection (1) above.

- (3) Foreign radio amateurs meeting the conditions of Administrative Order No 8/1995 of 11 January 1995 issued by the Federal Ministry of Posts and Telecommunications (Official Gazette p 18) and not permanently resident in Germany may operate an amateur station in Germany for a maximum of three months.

### **Section 5 Rights and Obligations of the Radio Amateur**

- (1) The radio amateur may use solely a call sign assigned to him by the Regulatory Authority.
- (2) The call sign assigned by the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway (Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen) shall authorise the radio amateur to operate, in derogation of the conformity assessment procedures laid down in the Radio and Telecommunications Terminal Equipment Act (Gesetz über Funkanlagen und Telekommunikationsendeinrichtungen) of 31 January 2001 (Federal Law Gazette Part I p 170), a commercially available or self-assembled amateur station as well as transmitting equipment converted into an amateur station.
- (3) The radio amateur may use his amateur station solely for transmissions on the frequencies referred to in section 3(5) of this Act.
- (4) An amateur station shall not be operated
  1. for profit-oriented economic purposes, or
  2. for purposes of commercial provision of telecommunications services.
- (5) The radio amateur may communicate solely with other amateur stations. The radio amateur shall not transmit on behalf of or to third parties messages which do not concern the amateur service. Sentence 2 above shall not apply in cases of emergency and disaster.

### **Section 6 General Technical and Operational Conditions**

The Federal Ministry of Economics and Technology shall be empowered to stipulate, by ordinance having the force of law with due regard to international agreements and other international recommendations concerning the amateur service, the general technical and operational conditions governing the implementation of the amateur service, in particular in respect of

1. the planning of frequencies, as listed in the Frequency Usage Plan for the amateur service, for repeater stations as remote-controlled and automatic amateur stations, and the updating of this plan,
2. the compilation and issue of a list of assigned German call signs and their holders, and
3. the operation of amateur stations on board ships and in aircraft as well as
4. procedures for eliminating electromagnetic incompatibilities between an amateur station and other apparatus within the meaning of the Electromagnetic Compatibility Act (Gesetz über die elektromagnetische Verträglichkeit von Geräten).

With the empowerment according to sentence 1 above, the Ordinance concerning the Implementation of the Amateur Radio Law (Verordnung zur Durchführung des Gesetzes über den Amateurfunk) in the revised version published in Federal Law Gazette Part III, classification number 9022-1-1, last amended by the Ordinance of 15 April 1985 (Federal Law Gazette Part I p 637), can also be repealed.

### **Section 7 Protection Requirements**

- (1) In derogation of the other provisions of the Electromagnetic Compatibility of Equipment Act of 26 February 2008 (Federal Law Gazette Part I p 220) solely the essential requirements ensuring electromagnetic compatibility within the meaning of section 4(1) para 1 of such Act shall be observed in the operation of an amateur station. The requirements laid down in the ordinance having the force of law according to section 6 sentence 1 para 4 shall be complied with.
- (2) The radio amateur may deviate from the essential requirements within the meaning of section 4(1) para 2 of the Electromagnetic Compatibility of Equipment Act and may determine the level of immunity of his amateur station himself. Where the amateur station does not comply with the protection requirements within the meaning of section 4(1) para 2 of such Act, the radio amateur shall accept electromagnetic disturbances caused by other equipment to his amateur station if such equipment meets the essential requirements according to section 4 of the Electromagnetic Compatibility of Equipment Act.
- (3) Prior to commencing operation, the radio amateur shall submit to the Federal Network Agency for Electricity, Gas, Telecommunications,

Post and Railway the calculation documents and supplementary measurement protocols for the worst-case antenna configuration of his amateur station. The Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway shall issue a certificate of safety for fixed radio transmitters upon application. Section 12 of the Radio and Telecommunications Terminal Equipment Act shall apply in this regard.

### **Section 8 Fees and Expenses**

Costs (fees and expenses) shall accrue for official acts according to this Act. The Federal Ministry of Economics and Technology shall be empowered to stipulate, in agreement with the Federal Ministry of Finance by ordinance having the force of law as provided for by the Administrative Expenses Act (Verwaltungskostengesetz), the fees for

1. the issue of amateur radio certificates after the amateur radio examination has been passed,
2. the admission to participation in the amateur service and the assignment of call signs,
3. the issue of harmonised amateur radio examination certificates,
4. the withdrawal and rejection of applications for the official acts referred to in paras 1 to 3 above as well as the revocation of such official acts,
5. the order to restrict operation or take an amateur station out of service, and
6. the provision of the list of assigned German call signs and their holders.

### **Section 9 Administrative Fines Provisions**

- (1) An administrative offence shall be deemed to have been committed by any person who, intentionally or negligently,
  1. operates an amateur station in contravention of
    - a) section 3(3), or
    - b) section 5(4) para 2, or
  2. transmits a message in contravention of section 5(5) sentence 2 of this Act.
- (2) Such offences may be punishable by a fine not exceeding ten thousand euros in the case of an offence according to subsection (1) para 1 letter (b) above, or by a fine not exceeding five thousand euros in the other cases.
- (3) Administrative authority within the meaning of section 36(1) para 1 of the Administrative Offences Act (Gesetz über Ordnungswidrigkeiten) shall be the Regulatory Authority.

### **Section 10 Responsibilities**

- (1) The functions ensuing from this Act and the ordinances having the force of law issued by virtue of this Act shall be discharged by the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway (section 66(1) of the Telecommunications Act). It shall also be the Regulatory Authority's responsibility to verify observance of this Act and the ordinances having the force of law issued by virtue of this Act.
- (2) The functions and powers assigned to the Regulatory Authority according to this Act shall, until 31 December 1997, be discharged and exercised by the Federal Office for Posts and Telecommunications (Bundesamt für Post und Telekommunikation).
- (3) When ordinances having the force of law to be issued by virtue of this Act are being prepared, the representatives of the expert groups or associations involved may, as provided for by the Common Ministerial Rules of Procedure, be informed and requested to provide documents and be given the opportunity to present their views.

### **Section 11 Restrictions and Prohibitions of Operation**

- (1) In the event of violations of this Act or of ordinances having the force of law issued by virtue of this Act the Regulatory Authority may order operation to be restricted or amateur stations to be taken out of service.
- (2) The Regulatory Authority will order restrictions or prohibitions of operation to be enforced immediately if such operation could constitute a hazard to the safety of life or to property of significant value of another person. The same shall apply if there is reason to believe that the radio amateur is using frequency bands allocated to other radio services and this may cause considerable interference to such services. Section 80(2) para 4 of the Code of Administrative Court Procedure (Verwaltungsgerichtsordnung) remains unaffected.

### **Section 12 Transitional Provision**

The licences for the setting up and operation of amateur stations granted prior to entry into force of this Act shall continue to be valid as provided for by this Act.

### **Section 13 Entry into Force, Expiration**

This Act shall enter into force on the day following its promulgation. At the same time the Law concerning Amateur Radio Service (Gesetz über den Amateurfunk) in the revised version published in Federal Law Gazette Part III, classification number 9022-1, shall cease to have effect.