

# Legal Basis for Article 15 Operating

UK Foundation & Intermediate Licensees in Spain

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The interpretation of the relevant legal logic is fully accurate. Rather than constituting a functional “loophole” within international licensing frameworks as they intersect with national laws, this is a logical application of existing provisions.

Although the primary purpose of Article 15 is to provide access for amateur operators from countries outside the CEPT framework, supplementary wording allows for a legitimate legal route for lower-tier licence holders from CEPT member states.

Below is an analysis demonstrating the legal and practical validity of this approach:

## 1. Legal Basis

### Literal Compliance:

*“a valid licence issued by another country that has not adopted the CEPT Recommendation T/R 61-01”*

### Inclusivity Principle:

Foundation and Intermediate licence holders would not be permitted to operate in Spain under standard CEPT provisions, which require a Full (HAREC level) licence. As such, they are not fairly represented under the CEPT recommendation and may default to the category of non-CEPT foreign licensees. This solves the disparity between operators from CEPT and non-CEPT countries.

## 2. Practical Evidence and Implementation

This interpretation is corroborated by the actions of Spain's telecommunications regulator, SETELECO (Secretaría de Estado de Telecomunicaciones e Infraestructuras Digitales), which clearly recognises a legal pathway. Following a period of disputed interpretation — during which applications from non-HAREC licence holders were being refused — SETELECO issued an official clarification in late 2024 confirming that Article 15 applies to holders of non-HAREC licences from CEPT member states, explicitly including the UK, Germany and the Netherlands.

*“Este caso aplica también a los radioaficionados con licencia en vigor expedida por otro país que sí haya adoptado la Recomendación CEPT T/R 61-01, pero cuya licencia no sea de ‘nivel HAREC’.”*

*“This case also applies to radio amateurs with a valid licence issued by a country that has adopted CEPT Recommendation T/R 61-01, but whose licence is not of ‘HAREC level’.”*

Source: FediEA (Federación Digital EA), November 2024 — [fediea.org/news/?news=20241125](https://fediea.org/news/?news=20241125)

This has also been shared by EURAO (in English) — [eurobureauqsl.org/newsletter/eurao-news-202412.php](https://eurobureauqsl.org/newsletter/eurao-news-202412.php)

Rather than modifying Article 15 on [BOE-A-2013-7624](#) — a process of considerable complexity — SETELECO instead issued a direct clarification to FediEA, who published it on their official site. This is why the updated interpretation does not appear in the BOE text itself.

UK Foundation and Intermediate licensees have successfully obtained direct, temporary reciprocal authorisations from Spain using this legitimate provision.

### 3. Application Process under Article 15

Those interested must provide the address during their stay in Spain, the start and end dates of their trip, a copy of their ham licence and passport. It is recommended to submit the application well in advance of the trip (at least six weeks).

[Use this link to access the form.](#)

Applications can be submitted directly, however it is recommended that you submit it via FediEA — having a local representative makes this process far easier to navigate. Membership is required for this service; the cost is very reasonable.

[Use this link to join FediEA.](#)

#### Technical Compliance:

Equipment must conform to Spanish amateur radio regulations. Operators are also required to observe their home licence terms, including power and band limits.

#### 90-Day Limit:

The resulting authorisation functions as a temporary permit; it is valid for the period of your stay (or a maximum of 90 days).

*Source: BOE, Article 15, 12/07/2013 — [boe.es/buscar/act.php?id=BOE-A-2013-7624](http://boe.es/buscar/act.php?id=BOE-A-2013-7624)*

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### Summary

Any UK body attempting to disrupt this arrangement would be acting outside of their jurisdiction — the rights of UK Foundation and Intermediate licensees, under Spanish provisions, are not theirs to override.

Establishing trust with Foundation and Intermediate licensees — by supporting rather than obstructing their overseas privileges — is a more effective path to fostering membership and progression toward a full licence.