



**Comments of the Agency for Electronic Communications  
and Postal Services of Montenegro  
on RSPG Draft Opinion on the EU-level policy approach to satellite Direct-to-Device  
connectivity and related Single Market issues**

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The Agency for Electronic Communications and Postal Services of Montenegro, attending the RSPG in the status of observer, on behalf of Montenegro as a candidate country for EU membership, highly appreciates the opportunity to participate in a comprehensive dialogue through the public consultations on document Draft Opinion on the EU-level policy approach to satellite Direct-to-Device (D2D) connectivity and related Single Market issues.

The upcoming high-level infrastructural and technological transformation, especially the accelerated development of satellite sector and its cross-border nature, invite new reflections in the context of establishing an adequate regulatory framework, especially in terms of innovating and improving the selection procedures and authorization regimes. Therefore, we recognize the importance of establishing harmonized solutions in a broader sense, recognizing, inter alia, the benefits to be mutually achieved through very close cooperation of EU Member States and with other European countries having the same geopolitical goals.

In regard to the current availability of spectrum in the bands allocated for the electronic communication services (ECS), the statement given by the Draft Opinion, that the introduction of D2D-IMT is currently generally not possible in ECS licences in EU Member States, for the same reasons applies to many European countries, regardless of the EU membership status or the intention to join the EU, as those countries have also allocated harmonized bands for ECS to the greatest extent.

In Montenegro, the rights on use of harmonized frequency bands for ECS have been assigned to mobile operators on an exclusive basis, so it may be concluded that commercially attractive ECS spectrum resources are not available for D2D-IMT until the expiration of validity period of the respective licences, i.e. until 2031 (bands 800 MHz, 900 MHz, 1800 MHz, 2 GHz, 2.6 GHz), or 2038 (bands 700 MHz and 3.6 GHz).

The perceived benefits of D2D-IMT implementation primarily relate to complementary coverage in rural, remote and sea areas or when mobile ECS networks are temporarily unavailable due to external damage or in case of temporary failure of mobile networks. However, D2D-IMT is not equivalent to mobile ECS networks, which is also the opinion of the Agency.



Complexity, cross-border issues, roaming, harmful interference and competitiveness, recognized as challenges pertaining to D2D-IMT in the view of EU Member States, may be even more critical from the perspective of other States, regardless of the membership status or the intention to join the EU. Namely, issues of cross-border issues, roaming and harmful interference at the level of EU countries are regulated by a single regulatory framework that is by default applicable to all Member States and thus brings benefits in relations between EU countries, especially in terms of preventing the adverse effects of divergent approaches. Also, the harmonised EU regulatory framework brings benefits in terms of collective reaction if there are certain difficulties in the application of decisions, which are caused by relations with third countries.

However, countries neighboring the EU, such as Montenegro, although follows the EU strategic goals and legal framework, including the deadlines for the implementation of certain measures adopted at the EU level, do not have the same opportunities in terms of the legal mechanism for the protection of rights and interests regarding the subject issues, if an adverse effect, caused by fragmented approaches among other countries in the region, are encountered.

With respect to challenges of cross-border coordination, Montenegro repeatedly encountered harmful interference issues having an adverse impact on all stakeholders in the course of new technology deployments, due to uncorrelated application of strategic goals and the EU legal framework in the field of spectrum management by the countries in the relevant region. In particular, we emphasize necessity that EU candidate countries at the time of entry into force of the revised EU regulatory framework, which is announced by Draft Opinion, shall be particularly obliged by adequate measures established in the accession process to ensure the timely transposition of the corresponding new EU regulatory framework provisions into their national regulatory frameworks and moreover, to synchronize to the greatest extent possible the date of entering into force of their revised regulatory framework with the EU Member States. This synchronization is very important in our opinion, given the fact that mobile satellite service systems, inter alia, are characterized by immediate effects of implementation, at technical level in terms of spectrum utilisation in relatively large geographical areas, which further implies that adverse effects, caused by a possible fragmented approach of spectrum utilisation for D2D-IMT in these areas, occurs almost immediately. Therefore, the deadline for applying the measures that will be adopted, both for EU Member States and for other States that intend to gain benefits in this process, shall be practically the same.

The Agency actively contributes within the framework of CEPT and ITU in the context of determination, harmonization and improvements of the international regulatory framework, especially regarding the application of provision No. 4.4 of the Radio Regulations (RR) through the work of CPG/PTB group, and also within the ITU-R WP 4A. Furthermore, considering that at the European level, the CEPT is organization competent for development of harmonized technical conditions for D2D-IMT satellite operations in the ECS harmonized bands, we emphasize that Montenegro, with its active participation in the forthcoming activities of CEPT and timely implementation of the conditions at the national level, to be developed by CEPT, will endeavour to eliminate the challenges if caused by the fragmented approach, as previously emphasized.

Pursuant to revised harmonization decisions on ECS bands and in order to protect ECS networks from D2D satellite operations in the relevant harmonized ECS bands, Member States will be able to amend ECS licenses in accordance with the national legislative framework to enable deployment of D2D-IMT services if there are needs at the national level. This position of RSPG once again confirms the urgency of transposition of the relevant EU regulatory



framework into the national regulatory frameworks of EU candidate countries based on same justification that applies to EU Member States.

From the perspective of Montenegro, the Agency also supports the findings made in the Draft Opinion regarding D2D-MES, D2D-IoT SRD and D2D-IoT MSS.

Establishment of the collective reaction (response) procedure of EU Member States with due account of the principle of proportionality is essential. States that are not formally members of the EU at the time of application of the collective reaction, regardless of the intention of transposing the new regulatory framework provisions into their national frameworks, formally will not have the opportunity to participate in the collective reaction. However, the synchronized implementation of the common requirements in the national regulatory frameworks of non-EU countries is crucial for preserving and improving regulatory predictability while ensuring a consistent regulatory framework and achieving multiple benefits for all relevant parties. Otherwise, fragmented approach and inconsistencies are possible, leading to a serious disruption of regulatory predictability for the country acceding the EU, which shall be taken with due account in a timely manner. In this regard, the Agency, in its current observer status, will continue to observe relevant activities of the RSPG.

Digital sovereignty is indisputable goal for Europe as a whole from the perspective of Montenegro. Therefore, a coherent and coordinated respond of EU Member States, candidate and acceding countries as well as partner countries, we consider essential on the matters subject to this document, leaving no space for multidirectional deficiencies.

Considering that studies on spectrum requirements and on technical, operational and regulatory matters are already conducted for various satellite services in the preparation for the World Radiocommunication Conference WRC-27, it is anticipated that such technological transformation will highly impact digital economy and society globally. In particular, with reference to possible new allocations to the mobile-satellite service, decisions on these matters will affect terrestrial services, specifically broadcasting and mobile, operating in all countries in the whole Europe and beyond. Such complex correlation between terrestrial and satellite services with possibility to integrate satellite and terrestrial networks into new hybrid networks, in our opinion indicate that future development of satellite services in general is highly dependant on pan-European approach, while economic and technical justification clearly indicate that pan-European should refer to EU Member States, candidate and acceding countries and partner countries, bearing in mind that their coherent involvement in spectrum management, including common selection and collaborative authorisation regimes, will create more advantages for all parties, from economical and political perspective. In this regard, we believe that harmonized approach regarding spectrum governance for satellite services will substantially contribute to the long-term goals of EU policy while the procedure itself should clearly envisage collaboration opportunities between EU Member States, candidate and acceding countries and partner countries.

We also use this opportunity to express our interest and commitment to active involvement in the further developments on the subject matter, especially in future multi country projects with regard to the common goal of strengthening the digital sovereignty of Europe as a whole.



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