



MVNO Europe short-form response to RSPG public consultation RSPG25-008 FINAL
DRAFT Opinion on the EU-level policy approach to satellite Direct-to-Device
connectivity and related Single Market issues

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MVNO Europe, the association representing Mobile Virtual Network Operators¹, welcomes the fact that the Radio Spectrum Policy Group (RSPG) is consulting on its draft response to the request from the European Commission for an Opinion on the EU-level policy approach to satellite Direct-to-Device connectivity and related Single Market issues.

Whilst “competition issues” are mentioned 4 times in the document, unfortunately, the proposed RSPG Opinion (Section 4), as well as RSPG’s the Further considerations (Section 5), do not contain any proposals to safeguard and promote competition.

Please allow MVNO Europe to express the following points in this regard.

1. In MVNO Europe’s view, is essential to ensure that all spectrum licences relevant to Direct-to-Device (D2D) satellite communications (licences granted to satellite operators², as well as licences granted to Mobile Network Operators) contain explicit provisions requiring fit-for-purpose wholesale access on a non-discriminatory basis.
2. This is the case because:
 - a. The D2D satellite industry is expected to be highly concentrated, and could be characterised by outright dominant positions, and/or a tight oligopoly with a focal point on refusing wholesale access or discriminating on wholesale access.

¹ <http://mvnoeurope.eu/members/>

² For the avoidance of doubt, MVNO Europe considers that this should apply to all satellite systems licensed (at national and/or EU level), including IRIS2 and to future EU-driven satellite projects

- b. Mobile Network Operators holding rights-of-use over scarce radio spectrum, which they could in part make available to satellite operators as part of D2D IMT deals to extend coverage, could seek to exclude Mobile Virtual Network Operators (MVNOs) from benefiting from D2D coverage. This is particularly critical, since MVNOs do not have spectrum to barter with satellite operators and satellite operators may come under pressure from their MNO partners not to deal with MVNOs.
3. Therefore, if/when granting a modification to Mobile Network Operators' (MNO) spectrum licences to allow a D2D IMT satellite service to operate within their scarce licensed terrestrial spectrum, and prior to otherwise approving the combination of terrestrial and satellite services for D2D IMT, regulated wholesale access towards Mobile Virtual Network Operators (MVNOs) must imperatively be imposed.

Given that the RSPG's draft Option suggests changes to the European Electronic Communications Code (EECC), and refers to other (potential) EU legislation, please allow MVNO Europe to also state the following.

4. Any potential legislative proposals for amendments to the EECC, and a possible Digital Networks Act (DNA), should preserve the 'acquis' of Article 52(2) of the EECC, and boost it, making it expressly obligatory for the authorities granting radio spectrum licences (be they national or EU level) to give adequate and reasoned consideration to the appropriateness of the imposition of wholesale access obligations to network operators utilizing scarce radio spectrum. In addition, there are cases where it is unequivocally clear (e.g. potential EU-wide single selection and authorisation processes for terrestrial and satellite communications and innovative applications), that firm ex-ante wholesale access obligations are essential, to preserve and promote competition.

MVNO Europe Contact Details

Should you require any clarifications or further information on the elements and positions set out by MVNO Europe in this document, please contact:

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