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RADIO SPECTRUM POLICY GROUP

Addendum on satellite authorisations

to the RSPG Opinion

on

the Future of the Electronic Communication Sector and its infrastructure

1. Introduction

The Radio Spectrum Policy Group (RSPG) gathers high-level governmental experts of EU Member States. The RSPG provides the European Commission, Parliament and the Council with strategic advice on high-level policy matters in relation to spectrum and is a forum for fruitful exchange on effective and efficient management and use of radio spectrum.

In May 2023 the RSPG published an Opinion¹ on “*The future of the electronic communications sector and its infrastructure*” in the context of the Commission’s consultation.

This Addendum aims to complement this Opinion with regards to satellite authorisations². This should not be seen as an overlap to the current work on MSS 2 GHz³ which is subject to another RSPG workstream and Opinion.

¹RSPG23-016

²This addendum does not address assignment of spectrum or satellite orbits managed in compliance with ITU RR, neither the ITU-R procedures on non-compliances with ITU RR, nor satellite systems that are subject to ITU-R rules granting protection for service operation/provision (BSS, RNSS, EESS)

³Request for an RSPG Opinion on MSS 2 GHz, RSPG22-037

2. FSS/MSS authorisations

Regarding FSS/MSS there is no need for EU-wide authorisation or EU-level authorisation. Neither is there a need for a centralised authorisation approach nor a selection process at EU level in order to preserve and promote EU interests or EU sovereignty⁴.

The current legal EU framework is well established and implemented in national legislation. Respectively, authorisations for frequency usage – including by satellite services – are successfully managed at national level.

2.1. Satellite service provision and terminal operation in EU Member States

Service provision is managed at national level according to implementation of the EECC⁵ into national legislation. In national legislation, different issues such as market competition and consumer protection are taken into account and regulated in order to gain access to the market of each Member State. In consequence, a “one size fits all” approach does not apply to authorisations for satellite service provision.

Regarding terminal operation, the Radio Equipment Directive regulates free circulation and use for mobile terminals. Where needed (e.g. for earth stations), national authorisations consider national markets, provide relevant national conditions such as sharing conditions and coordination with terrestrial services, cross-border coordination, fees, monitoring, etc.

2.2. Authorisation models

Two models are in force in Member States in accordance with EECC for providing MSS/FSS service/terminal operations: either individual authorisations or general authorisations.

In the case of individual authorisation for rights of use in a relevant satellite band, authorisation is granted to a named MSS/FSS operator for the provision of services in the given country. It includes individual requirements for compliance to national legislation and legal means to enforce national legislation, as well as any technical conditions. This could include requirements applicable to the use of terminal (e.g. technical conditions and license exemption). Individual authorisations could also target single earth stations. This approach is also considered normally for gateways.

General authorisation in accordance with the EECC can be based on registration in a national database of a named MSS/FSS operator for provision of satellite service in that specific market. General provisions apply to operators in order to enable compliance with national legislation and legal means to enforce national legislation. Rights for satellite service provision and for spectrum use are not always the same.

In addition, one part of a general authorisation approach is exempting terminals from individual licensing.

⁴The MSS 2 GHz has been subject to an EU-level selection process. RSPG is currently developing an Opinion in order to make recommendations for the 2 GHz band beyond 2027

⁵ Directive (EU) 2018/1972 establishing the European Electronic Communications Code