

Satellite services: selection and authorisation of systems providing mobile satellite services MSS

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The Committee on Industry, Research and Energy adopted the report by Fiona **HALL** (ADLE, UK) amending, under the 1st reading of the codecision procedure, the proposal for a Decision of the European Parliament and of the Council on the selection and authorisation of systems providing mobile satellite services (MSS).

The main amendments adopted are as follows:

Purpose and scope of application: MEPs clarify that the Decision aims to facilitate the development of a competitive internal market for mobile satellite services in the Community and to ensure geographic coverage in all Member States.

Definitions: for the purpose of this Decision, the definitions laid down in Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Directive 89/552/EEC (Universal Service Directive) shall also apply.

Comparative selection procedure: the procedure shall aim solely to bring the 2 GHz frequency band into use for MSS without undue delay while ensuring transparency for interested third parties. The Commission shall define, in accordance with the committee procedure, only: (a) the amount of spectrum to be assigned to the selected applicants; (b) the particulars and documents to be included in applications. The call for applications and any detailed requirements defined in accordance with the regulatory procedure with scrutiny shall be published in the Official Journal of the European Union.

Admissibility of applications: applications shall identify the amount of radio spectrum requested, which shall be no more than 15 MHz for Earth to space and 15 MHz for space to Earth. Applications shall include a commitment on the part of the applicant that: (i) the mobile satellite system proposed shall provide a service in at least 60% of the aggregate land area of the Member States, from the time the mobile satellite service commences; (ii) the mobile satellite service proposed shall be provided in all the Member States and to at least 50% of the population and over at least 60% of the aggregate land area of each Member State by the time stipulated by the applicant. Lastly, applications shall include a commitment to allow the mobile satellite system proposed to be made available to public protection and disaster relief services if and for the time required by the Member State in question.

Second selection phase: if the combined demand for radio spectrum requested by eligible applicants identified in the first selection phase exceeds the amount of radio spectrum available, the Commission shall select eligible applicants according to the following weighted criteria: (a) consumer and competitive benefits (20% weighting); (b) spectrum efficiency (10% weighting); (c) pan-European geographic coverage (40% weighting); (d) public policy objectives (30% weighting). The Commission shall publish its decision in the Official Journal of the European Union within one month.

Authorisation of selected applicants: applicants who succeed at the first selection phase must be bound to the commitments offered at this stage. Rights of use and authorisations shall be granted for a period of fifteen years. In accordance with Community law, and in particular Directive 2002/20/EC, Member States must be able to impose reasonable obligations upon public protection and disaster relief services in

connection with their use of mobile satellite systems falling under the jurisdiction of their national authorities. Such obligations shall be imposed only where they are necessary to meet clearly defined public interest objectives and shall be proportionate, transparent and subject to periodic review.

Monitoring and enforcement: the Commission shall define, in accordance with the regulatory procedure with scrutiny, any appropriate modalities for coordinated monitoring and/or enforcement procedures, including coordinated suspension or withdrawal of authorisations, in particular for breaches of the common conditions. The Commission should investigate any subsequent mergers or takeovers between applicants after authorisation is granted, in accordance with European competition rules. If necessary, the Commission should be able to revoke authorisation where a merger or takeover would be anti-competitive.

Lastly, the report highlights that new systems providing mobile satellite services (MSS) should bridge the digital divide in terms of geography, and strengthen cultural diversity and media pluralism, which are major EU objectives.