

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

2007/0174(COD) - 21/05/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 652 votes to 16, with 10 abstentions, a legislative resolution amending 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 report had been tabled for consideration in plenary by Fiona **HALL** (ADLE, UK), on behalf of the Committee on Industry, Research and Energy.

The amendments - adopted under 1st reading of the codecision procedure - were the result of a compromise between the Parliament and the Council.

Purpose and scope of application: the compromise clarifies 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.

Comparative selection procedure: applicants shall be given a fair and non-discriminatory opportunity to participate in the comparative selection procedure, which shall be transparent. The call for applications shall be published in the Official Journal of the European Union. Access to documents relating to the selection procedure, including applications, shall be granted in accordance with Regulation (EC) No 1049 /2001 regarding public access to European Parliament, Council and Commission documents.

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 assigned to any one applicant. 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 but, in any event, no later than seven years from the date of publication of the Commission's decision concerning the first selection phase. The Commission may request applicants to supply additional information regarding the fulfilment of admissibility requirements within a specific time frame of between five and twenty working days. The application shall be deemed inadmissible if such information is not supplied within the specified time frame.

First selection phase: the Commission's decision shall be reasoned. Within 30 working days of the publication of the list of eligible applicants, eligible or selected applicants that do not intend to proceed further in the selection procedure shall inform the Commission thereof in writing.

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 based on the following weighted criteria: (a) consumer and competitive benefits (20 % weighting); (b) spectrum efficiency (20 % weighting); (c) pan-EU geographic coverage (40 % weighting); (d) public policy objectives (20 % weighting). The Commission shall publish the decisions in the Official Journal of the European Union within one month of their adoption.

Authorisation of selected applicants: selected applicants shall honour any commitments they make during the comparative selection procedure. Any necessary rights of use and authorisations shall be granted for a duration of eighteen years from the date of the selection decision. Member States may impose objectively justified, non-discriminatory, proportionate and transparent obligations to ensure communications between emergency services and authorities during major disasters.

Monitoring and enforcement: Member States shall ensure that rules on enforcement, including rules on penalties applicable in the event of breaches of the common conditions provided for in the regulation, are in accordance with Community law. The penalties must be effective, proportionate and dissuasive. The Commission may, with the assistance of the Communication Committee referred to in the regulation examine any alleged specific breach of the common conditions. The measures defining any appropriate modalities for coordinated application of the rules on enforcement, including rules for the coordinated suspension or withdrawal of authorisations for breaches of the common conditions, shall be adopted in accordance with the regulatory procedure with scrutiny (comitology).