




Basic information	
<b>2007/0174(COD)</b> COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
Satellite services: selection and authorisation of systems providing mobile satellite services MSS  <b>Subject</b> 3.30.03.06 Communications by satellite	


Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<b>ITRE</b>	Industry, Research and Energy	HALL Fiona (ALDE)	09/10/2007
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<b>IMCO</b>	Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	<b>CULT</b>	Culture and Education	HIERONYMI Ruth (PPE-DE)	22/10/2007
	Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>
Transport, Telecommunications and Energy		2835	2007-11-29	
Transport, Telecommunications and Energy		2877	2008-06-12	
Transport, Telecommunications and Energy		2821	2007-10-01	
Agriculture and Fisheries		2881	2008-06-23	
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Communications Networks, Content and Technology		REDING Viviane	

Key events			
Date	Event	Reference	Summary
22/08/2007	Legislative proposal published	COM(2007)0480 	Summary
03/09/2007	Committee referral announced in Parliament, 1st reading		

01/10/2007	Debate in Council		
29/11/2007	Debate in Council		
06/03/2008	Vote in committee, 1st reading		<a href="#">Summary</a>
26/03/2008	Committee report tabled for plenary, 1st reading	<a href="#">A6-0077/2008</a>	
20/05/2008	Debate in Parliament		
21/05/2008	Decision by Parliament, 1st reading	<a href="#">T6-0219/2008</a>	<a href="#">Summary</a>
21/05/2008	Results of vote in Parliament		
23/06/2008	Act adopted by Council after Parliament's 1st reading		
30/06/2008	Final act signed		
30/06/2008	End of procedure in Parliament		
02/07/2008	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	2007/0174(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Decision
<b>Legal basis</b>	EC Treaty (after Amsterdam) EC 095
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	ITRE/6/52635

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE398.276</a>	21/01/2008	
Amendments tabled in committee		<a href="#">PE400.683</a>	13/02/2008	
Committee opinion	<a href="#">CULT</a>	<a href="#">PE398.695</a>	10/03/2008	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0077/2008</a>	26/03/2008	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0219/2008</a>	21/05/2008	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type	Reference	Date	Summary	
Draft final act	<a href="#">03637/2008/LEX</a>	30/06/2008		
<b>European Commission</b>				

Document type	Reference	Date	Summary	
Legislative proposal	COM(2007)0480 	22/08/2007	<a href="#">Summary</a>	
<b>Other institutions and bodies</b>				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1452/2007	25/10/2007	

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act
<a href="#">Decision 2008/0626</a> <a href="#">OJ L 172 02.07.2008, p. 0015</a> <span style="float: right;"><a href="#">Summary</a></span>

## 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 1<sup>st</sup> 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).

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

2007/0174(COD) - 22/08/2007 - Legislative proposal

**PURPOSE:** to create a Community procedure for the common selection of operators of mobile satellite systems.

**PROPOSED ACT:** Decision of the European Parliament and of the Council.

**BACKGROUND:** space applications are estimated to be worth EUR 90 billion globally. Of this amount, the European space industry holds 40% of the global market for manufacturing satellites, for launching them and for providing services by operating them. Indeed Europe is home to three of the five largest satellite system operators in the world. Satellite communications represents a large chunk of the European space industry's current revenues.

The effective and coherent use of radio spectrum is considered essential to the development of electronic communications services given that it stimulates growth, competitiveness and employment. Indeed the effective development of mobile satellite communications has been elaborated on in a 2006 EP Resolution, in which Parliament emphasised the importance of mobile satellite communications for the rural and less developed regions of Europe. The Resolution also noted that Member States' regimes for spectrum allocation and exploitation differ widely. These differences represent a serious obstacle to the achievement of a well-functioning single market. Satellite communication is cross-border in nature. An international and regional response is therefore necessary.

**CONTENT:** the purpose of this proposal, therefore, is to create a Community-wide procedure for the common selection of mobile systems' operators as well as to lay down provisions for co-ordinating Member States authorisation of the selected operators. The aim being to facilitate the development of a competitive mobile satellite services in the Community. This proposal links into the recently adopted Commission Decision 2007/98/EC on the harmonised use of radio spectrum in the 2 GHz frequency bands for the implementation of systems providing mobile satellite services. The key element of this Decision is the requirement that Member States free-up these frequency bands to mobile satellite services in the Community, as of 1 July 2007. It fails, however, to cover procedures for the selection and authorisation of operators.

In presenting this proposal the Commission is seeking to prevent Member States taking decisions that might lead to the fragmentation of the internal market in the mobile satellite communications sector. Differences in national selection procedures could still create fragmentation of the internal market due to the divergent implementation of selection criteria, such as the weighting of the criteria and/or different timescales for selecting procedures.

In brief, therefore, the Commission is making the following proposals: to ensure that operators will be selected through a comparative selection procedures to be organised by the Commission assisted by the Communications Committee; to make Member States responsible for granting authorisation to those entities selected by the Commission, although common conditions will have to be attached to all national authorisations; and to lay down the general and final provisions (for example the Committee structures and regulatory procedures.)

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

2007/0174(COD) - 30/06/2008 - Final act

**PURPOSE:** to create a Community procedure for the common selection of operators of mobile satellite systems.

**LEGISLATIVE ACT:** Decision No 626/2008/EC of the European Parliament and of the Council on the selection and authorisation of systems providing mobile satellite services (MSS).

**CONTENT:** the Council adopted by qualified majority this Decision of the European Parliament and of the Council establishing a common framework for the selection and authorisation of systems providing mobile satellite services. Agreement was reached on first reading. The Decision aims to

facilitate the development of a competitive internal market for mobile satellite services across the EU and to ensure gradual coverage in all Member States. Mobile satellite services constitute an innovative alternative platform for various types of pan-European telecommunications and broadcasting or multicasting services such as high-speed internet or intranet access, mobile multimedia and public protection and disaster relief. In addition, these services could improve coverage of rural areas in the EU, thus bridging the digital divide in terms of geography.

The Decision lays down Community procedures for the common selection at EU level of mobile satellite system operators as well as provisions for the coordinated authorisation by Member States of the selected operators to use the radio spectrum for the operation of such systems in the EU. It complements the Commission Decision, adopted through the committee procedure in February 2007, that obliged Member States to reserve by 1 July 2007 the 2GHz radio frequency bands for use by systems providing mobile satellite services.

The main issue discussed within Council's bodies and between the Council and the European Parliament was the amount of coverage the selected operators of mobile satellite systems will provide. The Decision provides for an obligation to cover initially 60% of the aggregated land area of the Member States and, with a maximum of seven years, a coverage of at least 50% of the population and over at least 60% of the aggregate land area of each Member State. In addition, an important weighting of 40% of the coverage criteria was added in the second phase of selection.

The selection procedure of operators of mobile satellite systems will be organised by the Commission, assisted by the Communications Committee. The call for tenders will be published in the Official Journal of the EU.

The main points are as follows :

- the Decision creates a Community procedure for the common selection of operators of mobile satellite systems that use the 2 GHz frequency band in accordance with Decision 2007/98/EC, comprising radio spectrum from 1980 to 2010 MHz for earth to space communications, and from 2170 to 2200 MHz for space to Earth communications. It also lays down provisions for the coordinated authorisation by Member States of the selected operators to use the assigned radio spectrum within this band for the operation of mobile satellite systems.

- Operators of mobile satellite systems will be selected through a Community procedure, in accordance with Title II. A comparative selection procedure will be organised by the Commission, assisted by the Communications Committee. Applicants must be given a fair and non-discriminatory opportunity to participate in the comparative selection procedure, which will be transparent.

- The selected operators of mobile satellite systems will be authorised by Member States in accordance with Title III.

- Operators of complementary ground components of mobile satellite systems shall be authorised by Member States in accordance with Title III.

ENTRY INTO FORCE: 05/07/2008.