Procedure file

Basic information

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

Key players

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

Key events

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	2821	
29/11/2007	Debate in Council	2835	
06/03/2008	Vote in committee, 1st reading		Summary
26/03/2008	Committee report tabled for plenary, 1st reading	A6-0077/2008	

20/05/2008	Debate in Parliament		
21/05/2008	Results of vote in Parliament		
21/05/2008	Decision by Parliament, 1st reading	T6-0219/2008	Summary
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

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

Documentation gateway

Legislative proposal		COM(2007)0480	22/08/2007	EC	Summary
Economic and Social Committee: opinion, report		CES1452/2007	25/10/2007	ESC	
Committee draft report		PE398.276	21/01/2008	EP	
Amendments tabled in committee		PE400.683	13/02/2008	EP	
Committee opinion	CULT	PE398.695	10/03/2008	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0077/2008	26/03/2008	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0219/2008	21/05/2008	EP	Summary
Commission response to text adopted in plenary		SP(2008)3593/2	12/06/2008	EC	
Draft final act		03637/2008/LEX	30/06/2008	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

Decision 2008/626
OJ L 172 02.07.2008, p. 0015 Summary

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

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

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.

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

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).

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

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.