

Connect Europe Response to the Consultation on the proposed Regulation on the procedure for authorisation of systems providing mobile satellite services using the harmonised 2 GHz frequency band and repealing Decision No 626/2008/EC

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Connect Europe, representing the views of European telecommunications operators, welcomes the opportunity to contribute to the Commission “have your say” consultation on the proposed Regulation on the procedure for authorisation of systems providing mobile satellite services using the harmonised 2 GHz frequency band and repealing Decision No 626/2008/EC.

Connect Europe would like to share, in the following paragraphs, an executive summary of its position, the detailed views on the selected Items of the Commission’s Regulation proposal considered relevant for European mobile communications industry and conclusions that contain the Connect Europe key asks for amendments to the text.

Executive Summary

Connect Europe welcomes the opportunity to comment on the European Commission’s proposal for a Regulation establishing a Union-level procedure for the authorisation of systems providing mobile satellite services using the harmonised 2 GHz frequency band and repealing Decision No 626/2008/EC.

The proposal aims to establish an EU-level comparative procedure for selecting holders of rights of use in the 2 GHz MSS band and authorising them under common Union conditions across all Member States. Connect Europe supports the overall objective of improving legal certainty, reducing fragmentation, promoting pan-European services and enabling innovative satellite connectivity, including Direct-to-Device services.

The proposal correctly recognises that **satellite connectivity** can play an important **complementary role to terrestrial connectivity** in extending outdoor coverage¹, supporting resilience, and enabling connectivity in remote, underserved or crisis-affected areas.

The proposal **correctly puts at the core the Europe’s sovereignty which Connect Europe strongly appreciates**. In particular, the proposal aims to strengthen the EU’s competitiveness and strategic autonomy and promote satellite D2D technologies within the new space ecosystem with the view to reinforcing the Union’s industrial and scientific capacities, enhancing connectivity services for end-users and consolidating Europe’s strategic autonomy, including resilient supply chains. Connect Europe welcomes this approach and support the design

¹ D2D services alone will not be able to provide high-performance mobile connectivity, especially indoor.

proposed by the European Commission with capacity reserved for secured communications, commercial new EU entrants and commercial entrants.

At the same time, the Regulation should be clarified on some aspects to ensure that the new framework develops in a way that is **competitively neutral and fully coherent with existing terrestrial mobile networks**. In particular, Connect Europe believes **the role of European telecom operators**, whose terrestrial mobile networks provide the foundation for Europe's connectivity, emergency communications, digital services and future 5G/6G ecosystem, could be further clarified. In particular, Connect Europe recommends that the final Regulation should:

- **Preserve the principle of complementarity** of satellite D2D communications networks with respect to the terrestrial mobile communications networks **and provide precise details** on how this principle shall apply.
- **Guarantee coexistence with terrestrial mobile networks**, including through mandatory technical studies, clear interference-prevention obligations, transparent coordination mechanisms, robust interference resolution mechanisms and alignment with relevant international and 3GPP standards, **protecting existing and future terrestrial mobile deployments from harmful interference of satellite connectivity: Satellite D2D networks should operate on a non-interference basis to in-band and adjacent band services.**
- **Ensure competitive neutrality between satellite and terrestrial operators**, so that MSS and D2D services complement, rather than distort, the European mobile market, through the **application of principle of "same service, same rules" as comparable services will be offered to end users.**
- **Include specific safeguards for the first secure MSS/hybrid licence, ensuring that any reliance on terrestrial infrastructure remains strictly ancillary to the satellite component and is limited to the non-commercial use of any spare capacity** available after secure governmental, crisis-management, public-safety and critical-infrastructure needs have been fully met.
- **Confirm pro-competitive and partnership related provisions, and detail more the rules** aimed at avoiding exclusivity agreements for undertakings with strong dominance at satellite communications markets.

1. General comments

1.1 Support for a harmonised EU framework

Connect Europe recognises the logic behind a harmonised EU-level approach to the 2 GHz MSS band. The proposal notes that the national allocations for satellite services has led to fragmented national authorisation models, different licensing timelines, different conditions and fees, and varying enforcement approaches across Member States.

A more coordinated framework can support the development of pan-European services and reduce administrative complexity. The proposal indicates that the Union authorisation would confer the same rights and obligations in each Member State without requiring separate national authorisation.

Connect Europe supports this objective. Fragmentation can delay deployment, increase costs and reduce legal certainty for providers of cross-border connectivity services. A harmonised approach can therefore be beneficial, provided that it remains transparent, proportionate and technically sound.

We also believe the European Commission is right in proposing to allocate capacity for a) secured communications, b) commercial new EU entrants and c) all commercial stakeholders. However, the text should be clarified if the capacity foreseen for use under point (b) is not fully allocated in the first round. In the case of the secure MSS/hybrid system, Article 7 of the proposal provides that the Commission may relaunch the selection procedure where the relevant band has not been assigned. However, no equivalent provision is made for applicants under Article 4(1)(b) in respect of the part of the band that remains unassigned, including the possibility of relaunching the selection procedure for the unassigned part of the band before making that spectrum available to applicants under the conditions set out in Article 4(1)(c).

Where the eligible applicants under Article 4(1), point (b), do not, taken together, request the full amount of spectrum referred to in that point, the Commission shall assess separately the eligible demand under points (b) and (c) of Article 4(1) for the purposes of this paragraph. The Commission may relaunch the selection procedure for the portion of the spectrum block not allocated under point (b) at a later stage. In addition, where the Commission concludes that no eligible applicant under Article 4(1), point (b), demonstrates a sufficient level of capability to be assigned a paired block of 5 MHz, the Commission shall decide not to assign, on that occasion, the paired blocks referred to in Article 4(1), point (b), and shall relaunch, at least once, a dedicated selection procedure limited to applicants under that point. Only where that dedicated relaunch also fails to identify an eligible applicant demonstrating a sufficient level of capability may the Commission make the corresponding blocks available to applicants under Article 4(1), point (c).

Finally considering. The 2 GHz MSS band will interact with the broader mobile connectivity ecosystem, including terrestrial mobile networks and their evolved

architectures, IoT services and emergency communications. We believe, that EU-level decisions should be informed by national technical expertise, spectrum-management experience and the operational realities of telecom operators.

Connect Europe recommendation: Support the EC proposal to allocate the MSS band to a) secured communications, b) commercial EU new entrants and c) commercial stakeholders. The regulation should be clarified on the process for band b) in case the capacity is not fully allocated during the first allocation procedure. The Regulation should explicitly ensure structured involvement of Member States, national and EU competent authorities, and relevant market stakeholders before the call for applications, before the definition of technical conditions, and before any major authorisation or enforcement decisions.

1.2 MSS and D2D should complement, not substitute or distort, terrestrial mobile networks

The proposal highlights the emergence of LEO constellations, hybrid terrestrial-satellite systems, future converged terrestrial mobile networks and satellite Direct-to-Device connectivity. It also states that the 2 GHz MSS band is relevant for integration between terrestrial and non-terrestrial networks because of its proximity to bands used for terrestrial mobile services and its potential support in chipsets.

Connect Europe agrees that satellite services can complement terrestrial networks in areas where terrestrial coverage is economically or technically challenging, or where network resilience is required in crisis situations. Satellite D2D may be particularly useful for emergency messaging, disaster response, remote-area connectivity, maritime and aviation applications, and backup communications.

However, terrestrial mobile networks will remain the primary connectivity service for mobile use due to their high performances and good indoor coverage.

Therefore, the framework must avoid creating distortions in the terrestrial mobile market. Terrestrial mobile network operators have made and continue to make extensive investments in spectrum, network deployment, security, resilience, coverage obligations, quality of service and emergency communications. Any new MSS authorisation framework should therefore avoid granting regulatory advantages to satellite providers where they compete with terrestrial mobile services.

The proposal already recognises that commercial MSS systems should not rely predominantly on complementary ground and/or airborne components compared to the space-based component, in order to avoid distortion of competition in the terrestrial mobile market. Connect Europe supports this principle and recommends strengthening it. In Particular, in relation to the first licence for a secure MSS/hybrid system, Connect Europe considers that additional

safeguards are needed to ensure that such hybrid/terrestrial infrastructure is used to fulfil the specific public-interest rationale of this authorisation and to avoid unintended competitive effects in terrestrial mobile markets. Where the authorised hybrid system relies on terrestrial infrastructure, such use should remain strictly ancillary to the satellite component and limited to what is necessary to support secure, resilient and non-commercial governmental or public-interest communications.

Connect Europe recommendation: *The Regulation should better clarify that MSS/D2D services should be developed as complementary connectivity solutions, not as a route to bypass national mobile authorisation frameworks or compete with terrestrial mobile networks under lighter regulatory conditions, including when referring to complementary ground and/or airborne components. The Regulation should also include specific safeguards for the first secure MSS/hybrid licence, ensuring that any reliance on terrestrial infrastructure remains strictly ancillary to the satellite component and is limited to the non-commercial use of any spare capacity available after secure governmental, crisis-management, public-safety and critical-infrastructure needs have been fully met.*

2. Technical coexistence and interference management

2.1 Need for robust coexistence safeguards

The 2 GHz MSS band is adjacent to terrestrial mobile bands and is relevant for future integrated terrestrial/non-terrestrial connectivity. The proposal also records stakeholder concerns about potential interference risks that Direct-to-Device satellite services may pose to existing terrestrial systems, and the need for consistency with 3GPP standards.

Connect Europe considers this a central issue. 2 GHz MSS D2D service using satellite systems can create new technical coexistence challenges, including adjacent-band interference, cross-border interference, receiver-performance issues, coexistence with terrestrial base stations, handset behaviour in hybrid network environments, and network-management complexity.

The Regulation should therefore not leave coexistence issues to be addressed only at the implementation stage. It should include clear legal obligations requiring the Commission to ensure that authorisation conditions are based on prior technical studies, transparent coordination processes and enforceable interference-prevention and resolution requirements.

Connect Europe recommendation: *Before issuing the call for applications, the Commission should conduct or rely on detailed technical compatibility studies,*

with the involvement of RSPG, CEPT/ECC, national competent authorities and relevant industry stakeholders, including terrestrial mobile operators. The results of the technical compatibility studies should be fully reflected in the 2 GHz MSS licence conditions.

2.2 Clear liability and enforcement for harmful interference

The proposal provides for Union-level monitoring and enforcement, including corrective measures, suspension or withdrawal of authorisation, and fines or periodic penalty payments in the event of breaches.

Connect Europe supports effective enforcement. However, the Regulation should be more explicit on how harmful interference affecting terrestrial mobile networks will be detected, reported, investigated and remedied. The framework should not place the burden on affected mobile operators to prove complex satellite-related interference without clear procedural rights, escalation channels and deadlines.

Connect Europe recommendation: *The Regulation should include a dedicated harmful-interference mechanism covering:*

- rapid reporting by affected operators;*
- transparent investigation by the Commission and national competent authorities;*
- technical cooperation obligations on the MSS authorisation holder;*
- Possibility for National Competent Authorities to promptly intervene and remedy the interference issue with temporary measures;*
- temporary mitigation orders by the Commission, where necessary;*
- compensation or remedial measures where interference causes material harm;*
- clear escalation to suspension or withdrawal in case of repeated or serious non-compliance.*

3. Authorisation design and selection procedure

3.1 Transparent choice and weighting of selection criteria

The proposal provides for several comparative selection procedures, including for a secure MSS/hybrid system, commercial MSS systems of Union new entrants, and

other commercial MSS systems. It also states that the call for applications will specify the selection criteria and their weighting.

Connect Europe welcomes the proposal of an open, transparent and non-discriminatory procedure. However, given the economic and strategic importance of the 2 GHz MSS band, the choice and weighting of selection criteria will be critical. The process should not be driven primarily by willingness to pay. The proposal itself states that applicants should be selected predominantly on the basis of European sovereignty, quality, innovation capacity, competition and avoidance of dominant positions, rather than the amount offered as a financial contribution.

This principle should be made stronger in the operative provisions. To such aim, the final Regulation should explicitly state that all interested parties, including the private stakeholders will be consulted before the adoption of related implementing acts.

Connect Europe believes, that the best consumer effect of commercial D2D satellite services can only be achieved, if the services are provided to unchanged IMT terminals, using 3GPP standards and supporting full interoperability, and being integrated into the offers of terrestrial mobile network operators. The commission should consider adding these requirements as selection criteria for the commercial spectrum blocks.

Connect Europe recommendation: *The Regulation should specify that selection criteria relating to European sovereignty, coverage, resilience, technical capability, coexistence, security, interoperability, competition and efficient spectrum use must carry substantially greater weight than the financial contribution criterion, and foresee stakeholders' consultation before the adoption of relevant implementing acts*

3.2 Alignment with a “same service, same rules” - non discrimination based regulatory approach

The "same service, same rules" principle is a foundational concept of EU internal market law.

A strengthened Union framework for satellite, including the proposed regulation for 2 GHz MSS band, must ensure that all satellite operators providing services accessible to end-users in the Union that are comparable, substitutable or functionally equivalent to terrestrial electronic communications services— including through direct-to-device connectivity — are subject to obligations equivalent to those applicable to terrestrial electronic communications operators under this Regulation in terms of consumer protection, open internet, lawful

interception, data localisation, and competition law compliance. The principle that equivalent services should be subject to equivalent regulatory obligations must inform the design of all license conditions applicable to Union-authorized satellite operators.

This principle should be clearly included in the operative provisions.

Connect Europe recommendation: *The Regulation should specify in the selection rules, that a “same services -same rules” principle shall apply to the 2 GHz MSS spectrum-based satellite communications services that are comparable, substitutable or functionally equivalent to terrestrial electronic communications services— including through direct-to-device connectivity. Consequently, the “same service, same rules” principle should be included in the 2 GHz MSS license conditions.*

4. Competition and the mobile ecosystem

4.1 Competition between satellite operators should be supported

Infrastructure based competition is a crucial principle in European and Member States’ telecommunications regulation. This principle must also apply to satellite D2D services. The proposal allows a maximum of 10 MHz paired block for operators of commercial satellite networks. Connect Europe supports this provision, which will result in a minimum of two commercial operators and thus allow for infrastructure-based competition to drive innovation and investments.

The planned provision that one European operator could get access to spectrum for both the secure MSS and commercial spectrum blocks would not limit the number of commercial licenses and could allow more efficient use of spectrum and investments.

Connect Europe recommendation: *The Regulation should confirm the rule of allowing a maximum of 10 MHz paired block for operators of commercial satellite networks.*

4.2 Support competition at retail level while avoiding exclusivity and market foreclosure

The proposal rightly prohibits exclusive agreements with retail service providers where the selected undertaking supplies more than 50% of wholesale or retail mobile satellite services in a given Member State.

Connect Europe supports this safeguard but considers that it may not be sufficient. Market foreclosure can occur even below a 50% threshold, especially where the operator controls scarce spectrum or essential D2D capability.

We would ask the commission to clarify, whether the 50% trigger applies only to MSS services provided on the 2 GHz MSS band, or all MSS bands together. We also propose to clarify, how the 50% trigger will be determined, e.g. number of customers, number of connections, volume of data transported, revenues generated, etc.

Connect Europe recommendation: *The Regulation should allow the Commission to intervene against exclusive or quasi-exclusive arrangements where they risk restricting access by mobile operators, MVNOs, IoT providers or emergency-service providers, even where the 50% threshold is not met. The commission should clarify to which kind of MSS service the limit applies and how it is determined.*

5. Fees, financial contributions and investment impact

5.1 Contributions must not become a dominant selection criteria and fees should not undermine deployment or innovation

The proposal establishes one-off financial contribution and annual fees for the use of the 2 GHz MSS band. It states that annual fees should reflect the value of the right of use, discourage spectrum hoarding and at least cover administrative costs related to management, control and enforcement.

Connect Europe supports efficient spectrum use and the avoidance of spectrum hoarding. However, fees must be calibrated carefully. Excessive upfront or recurring charges could reduce the resources available for network deployment, technical integration, security, resilience and affordable services.

Connect Europe considers that the 2 GHz MSS framework, exactly as the DNA proposal of the Commission, should encourage investment in connectivity, not divert capital away from deployment through disproportionate charges.

Connect Europe recommendation: *Annual fees should be clearly cost-related, proportionate and predictable. The one-off financial contribution should not become a predominant criterion and its weighting should remain lower than other key criteria such as European sovereignty principles (as stated in point 3.1)*

6. Security, resilience and strategic autonomy

6.1 Support for secure governmental communications and coordination with telecom operators in crisis scenarios

The proposal reserves part of the 2 GHz MSS band for a secure MSS/hybrid system and links this to secure governmental communications, IRIS², crisis management, public safety and critical infrastructure.

Connect Europe supports the objective of strengthening Europe's secure and resilient communications capabilities. Satellite connectivity can provide valuable backup and complementary coverage where terrestrial networks are unavailable, disrupted or unreliable.

The proposal provides that commercial MSS systems may be required to grant access to the 2 GHz MSS band at the request of competent authorities at times of crisis, based on a predefined prioritisation process. Connect Europe supports the principle of crisis preparedness. However, crisis access arrangements must be clear, predictable and coordinated with existing national emergency communications systems and telecom operators.

Connect Europe recommendation: *The Regulation should define:*

- what qualifies as a crisis;*
- which authority can trigger crisis access;*
- how prioritisation will work;*
- how MSS services will interoperate with terrestrial mobile networks;*
- what quality-of-service and security standards apply;*
- how costs and liabilities are allocated.*

7. Transitional provisions and service continuity

The proposal extends existing rights of use granted to incumbents Viasat and Echostar for two years, upon request, under existing conditions, in order to ensure continuity of services. It also allows the Commission to impose sharing conditions for testing and experimental use during the extension period.

Connect Europe supports continuity of existing services for a limited period not exceeding 2 years. It is also key to confirm that such rights of use cannot be transferred or leased or sub leased during the extension period as proposed by the

EC. Experiments and trials of new services should be permitted only on a non-interference and non-protection basis and applied in accordance with the list of measures indicated in above point 2.2, with clear safeguards for terrestrial mobile networks and other authorised users.

Connect Europe recommendation: *Support extension for a maximum of 2 years and only for existing services without the possibility to transfer or lease the rights during the extension period. Any Transitional sharing and testing should be subject to:*

- prior technical coordination;*
- non-interference obligations;*
- transparency for affected stakeholders;*
- rapid termination where harmful interference occurs;*
- no prejudice to future competitive selection.*

8. Monitoring and enforcement

8.1 Monitoring should include telecom-sector impacts

The proposal requires annual reporting by authorisation holders and gives the Commission powers to monitor compliance. The Commission's financial statement also identifies indicators such as the number of providers using the authorisation regime, time to complete authorisation requirements, enforcement procedures and interference issues.

Connect Europe supports monitoring, but it should not be limited to satellite-operator compliance. It should also assess impacts on the wider connectivity ecosystem, including terrestrial mobile networks.

Connect Europe recommendation: *Monitoring should include:*

- harmful interference incidents affecting terrestrial networks;*
- consumer experience and emergency-service performance;*
- spectrum utilisation;*
- deployment progress;*
- market concentration and exclusivity risks.*

9. Conclusions — Connect Europe key requests

Connect Europe supports the Commission's objective of modernising the 2 GHz MSS framework and enabling innovative pan-European satellite connectivity to complement terrestrial network coverage. A harmonised Union authorisation system can reduce fragmentation, improve legal certainty and support Europe's digital and strategic objectives.

However, the Regulation should be clarified on some aspects to ensure that satellite innovation develops in a way that complements Europe's terrestrial mobile networks, protects existing and future connectivity investments, ensures fair competition, prevents harmful interference, and supports a proportionate, risk-based regulatory framework.

Connect Europe therefore calls on the Commission, European Parliament and Council to strengthen the proposal through targeted amendments that ensure:

- robust coexistence with terrestrial mobile networks;
- infrastructure competition between satellite operators;
- proportionate and predictable fees;
- competitive neutrality;
- clear crisis-governance arrangements;
- transparent monitoring and enforcement;

This targeted approach would allow the EU to unlock the potential of MSS and satellite D2D services while preserving the integrity, resilience and competitiveness of Europe's broader connectivity ecosystem.

Connect Europe stands ready to engage further with the Commission and looks forward to contributing to an outcome that secures Europe's connectivity, competitiveness and strategic autonomy when it comes to 2GHz MSS Satellite spectrum.