

Report for the European Commission

**Study**  
**on MSS Authorisation Regimes**  
**and Authorisations**  
**in the EU Member States**

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**All opinions expressed in this report are those of the authors and do not necessarily reflect the views of the European Commission.**

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# Study on MSS Authorisation Regimes and Authorisations in the EU Member States

Final Report for the European Commission

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## 1. EXECUTIVE SUMMARY

Hogan Lovells International LLP (Hogan Lovells) is pleased to provide the Information Society and Media Directorate General of the European Commission with this “Study on MSS Authorisation Regimes and Authorisations in the EU Member States.”

We conducted an earlier report for the Commission on this topic, which analyzed the status of Member State regulations and structures as of the end of December 2010. This new report allows a contrast in the development of the regulations by setting a cut off for our analysis of one year later, as of the end of December 2011.

### 1.1 Overview

The aim of this project is to gather information systemically and present a complete picture of regulations that apply in all 27 Member States, following adoption of Decision 626/2008/EC of the European Parliament and of the Council on selection and authorisation of MSS systems; Decision 2009/49/EC on the selection of MSS operators; and in particular Decision 2011/667/EU on modalities for coordinated application of the rules on enforcement with regard to MSS.

The project makes an inventory of the regulatory state of play for MSS / CGC authorisations across the EU in order to evaluate the progress in the implementation, at national level, of the MSS initiative achieved in two years following the Commission Selection Decision.

In particular, the study has collected comprehensive and systemized information on the following:

- (a) the MSS (satellite component) and CGC authorisation regimes put in place or still envisaged by the Member States;
- (b) MSS and CGC authorisations issued to the selected operators by the relevant authorities of the Member States;
- (c) national enforcement rules applicable to the MSS and CGC authorisations; and
- (d) any enforcement measures (if any), undertaken by Member States in case the selected operators failed to comply with any conditions attached to their authorisations or with payments of any authorisation and/or usage fees and charges, as required by the laws of the respective Member States.

### 1.2 Key Findings

#### (a) MSS satellite component and CGC authorisation regimes

As of the end of December 2011, our research indicated that authorisation structures for MSS were said to be in place in all Member States but one – Ireland has yet to conclude its consultation but says it can grant general authorisations. The approaches that Member States have taken towards authorisation of the MSS component of 2 GHz MSS networks vary considerably. Numerous possible models are applied to MSS authorisations:

- Twelve Member States apply either a license exemption or general authorisation for the MSS component. One Member State NRA concluded that it could not legally grant a general authorisation to specific identified applicants.

- Nine Member States require an individual right of use for the MSS component.
- Six Member States require an individual right of use for a consolidated / integrated MSS and CGC network.

The general pattern is for consumer terminals associated with the MSS network to be license exempt. Two Member States, however, reported that CEPT technical standards for such terminals remain to be settled. The CEPT work programme appears to indicate this work is targeted for completion by 1 September 2012.

With respect to CGCs, as of the end of December 2011, authorisation structures are said to be in place in whole or in part for 25 Member States, of which 19 seem to be fully defined. In 2 Member States a consultation or further implementation is underway.

Whether a CGC authorisation structure is partial may likely be a question of close interpretation. For example, two Member States note that they will not define all CGC conditions until an application is submitted, even though they seem to have developed fee structures. Thus we tentatively include their rules as partially in place. We interpret all these structures as partially in place, as there is an identifiable path forward. However, we do not interpret a structure as complete, as opposed to partial, if there is no determination of how CGC that are more than a repeater service will be authorised. In another Member State, the structure for authorizing repeater-only CGC service appears to be in place, but conditions for CGC will not be set until an application is submitted. However, that Member State cannot define all conditions due to possible coordination issues with adjacent non-EU countries, which we interpret to be a complete structure.

#### **(b) MSS and CGC Fees**

Fees for the MSS authorisations are diverse. As of the end of December 2011, our research allows us to define fee structures with reasonable certainty for the MSS component in all Member States.

We reported in the last study that the general pattern was to charge no or minor fees for the MSS satellite component, although there are substantial variations from this approach. This is no longer the case – the variations remain but there is no longer a pattern of applying minor fees. It remains correct that in 9 Member States there is no fee for the MSS component or a very small registration fee. However, top end of fees are very substantial. Some Member States apply an MSS application fee while others apply an annual administrative fee covering the provision of service, based on either a set fee or proportion of revenues. We also are seeing more use of multiple fees.

The fee structures for CGC are extraordinarily diverse. As of the end of December 2011, we have defined fee structures for all but 4 Member States (including those in which the structure can be defined even if the amount cannot be calculated). There are extraordinary variations in the type and the amount of fees. Depending on the services provided, the amount to be paid could be significant. For instance, a gross estimate would be that if an applicant used the 2 x 15 MHz allocation for which it was selected, it would incur minimum annual fees of over €40 million in the 22 Member States in which it is possible to calculate such fees. This figure underestimates the total, because it excludes some additional filing and other fees that apply, and it also omits Member State fee structures for either MSS or CGC with revenue-based fees, which range up to 0.9% of revenue.

### **(c) Technology Neutrality**

We have reviewed the Member State rules to determine if there are constraints on the services that can be provided or the technical configurations (beyond those constraints set expressly under the MSS Decision). The key issue with respect to implementation of the MSS Decision has been whether the CGC stations are treated as solely repeater stations for the transmissions carried mainly through the satellite stations or can be used for two-way services under the network control of the MSS satellite component.

Some Member States expressly state that CGCs must be used solely for repeater functions or have not developed rules for fee structures that permit two-way service. Some have expressly stated there is no such limit, while others are not clear on the issue. Based on our review, we found that as of the end of December 2011, authorisation structures for CGC were technology and service neutral in 10 Member States. Another 11 were not neutral; for the remaining 6 it was not possible to say.

### **(d) MSS and CGC authorisations issued to the selected operators**

Based on information that we have reviewed and confirmed with the Member States, 17 Member States have issued authorisations of some sort to the MSS operators or do not consider that they are needed. Of these authorisations, 3 are for the MSS component treating it as licence exempt and 7 subject it to a general authorisation. Some of the authorisations said to be issued to the MSS operators are for short term, regional or limited MSS operation without full clarification of the CGC services to be provided.

### **(e) Rules on MSS and CGC enforcement**

Few generalities can be issued on enforcement modalities, mainly because the Member States rely on general legislation and regulations that give NRAs substantial flexibility on the types and procedures of enforcement that can be applied. Because NRAs will always apply procedures and penalties to concrete situations, and those situations have not yet arisen, it is understandable that respondents to our questionnaire have not provided detailed specifics on how enforcement measures might be applied.

We have examined general Member States legislation that provides for a wide range of enforcement tools. Generally, all provide for notice of breach and many give an opportunity for cure. Some NRAs have emphasized that they lack authority to take enforcement actions for 2 GHz MSS either because it is too early, no rights of use have been issued or no activities have commenced in their jurisdiction, so there is nothing to enforce.

To explore further possible modalities of enforcement actions, we looked at analogous actions by Member States to enforce coverage requirements for mobile terrestrial systems or, in one case, to enforce satellite bringing into use requirements. These earlier decisions are not perfect analogies and give some limited guidance on the type of issues to be resolved and the timing required.

No Member State has reported ongoing enforcement proceedings.

## **1.3 Structure of the Report**

Section 2 describes the procedures we followed in this study, including the contacts we have made and types of information we obtained. Section 3 of this report describes the legislative background to the authorisation of mobile satellite services in the 2 GHz

frequency bands and enforcement provisions. Sections 4 through 7 focus on each element of the study noted under key findings above. Section 8 offers conclusions. The final sections set forth annexes with detailed charts on Member State implementation and summary tables.

## 2. HOW THIS STUDY WAS CONDUCTED

The fundamental goal of this study, as defined by the Commission in tender specifications, is the following:

The overall objective of the study is to make an inventory of the regulatory state of play as regards MSS / CGC authorisations across the EU in order to evaluate the progress in the implementation, at national level, of the MSS initiative achieved in two years following the Commission Selection Decision.

In particular, the study is expected to collect comprehensive and systemised information on (a) the MSS (satellite component) and CGC authorisation regimes put in place or still envisaged by the Member States; (b) the actual MSS and CGC authorisations issued to the selected operators by the relevant authorities of the Member States; (c) national enforcement rules applicable to the MSS and CGC authorisations and (d) any enforcement measures (if any) undertaken by Member States in case the selected operators failed to comply with any conditions attached to their authorisations or with payments of any authorisation and or/usage fees and charges, as required by laws of the respective Member States.

The level of detail of the study should allow (a) clear identification of the regulatory situation in general (e.g. is the authorisation regime in place? Have any required rights of use or authorisations been requested or issued to the selected operators?); (b) clear identification of terms and conditions of MSS / CGC authorisations; (c) clear identification of the financial and administrative burden on the selected operators at national level (what are the fees and charges? What forms have to be completed and filed?) and (d) clear identification of the nature of the sanctions (e.g. suspension, financial penalties and withdrawal of rights of use and authorisations) imposed on the selected operators in case of non-compliance with the terms and conditions of MSS / CGC authorisations and the procedures for their application (e.g. timing, sequence).

Concrete tasks to be performed under the contract will involve (a) analysis and systemised description of relevant laws, regulations and individual administrative acts adopted or envisaged by the Member States and (b) contacts with competent authorities of the Member States in order to clarify the relevance of laws, regulations and individual administrative acts for the MSS implementation as well as details of their application in practice.

The study shall cover all the 27 Member States of the European Union.

This study follows an earlier study undertaken by Hogan Lovells for the Commission concerning 2 GHz MSS, issued in January 2011.

### 2.1 Information gathered for this study

This study focuses more on enforcement modalities and has a shorter time frame than the preceding study based on developments up to December 2010. For this study, we sent to the national regulatory agencies (NRAs) of all 27 Member States a request for information and a copy of the specific information that we had earlier found on the national situation. We emphasized that we wanted to correct or clarify any information that we included with the initial study, to make necessary updates, and above all to focus on enforcement issues. We received reasonably detailed information on regulatory structures in all Member States.

We also reviewed information available from public sources, such as the primary legislation that NRAs referenced in their responses, and conferred with the operators to review their



experience and generally check their input against what we learned from NRA contacts. No confidential or business information from the operators is included in this study.

## **2.2 Types of information gathered**

We divided the information gathered in this project into four main categories:

- MSS Satellite Component and Terminals
- CGC Component
- Enforcement – with more details added and focus on modalities / procedures for enforcement
- Legal References

The tables set forth in Annex 1 provide the details on the information we have gathered, organized by Member State. The three following tables in the Annexes 2 through 6 summarize the results. We have included in our tables only that information we have confirmed through publicly available sources or direct contact with the NRA.

### 3. BACKGROUND TO 2 GHz MSS

Commission Decision 2007/98/EC of 14 February 2007 on the harmonised use of radio spectrum in the 2 GHz frequency bands provides that Member States shall make these frequency bands available to systems providing mobile satellites services in the Community as of 1 July 2007.<sup>1</sup> Subsequent EU legislation specifies how and which applicants are selected, and defines common conditions for authorisations, monitoring and enforcement.

#### 3.1 The MSS Decision

Decision No. 626/2008/EC of 30 June 2008 (the "MSS Decision"), set forth a process for the selection and authorisation of MSS systems, as well as monitoring and enforcement.<sup>2</sup> The term "mobile satellite system" is defined in Article 2(2)(a) as follows:

"mobile satellite systems' shall mean electronic communications networks and associated facilities capable of providing radio-communications services between a mobile earth station and one or more space stations, or between mobile earth stations by means of one or more space stations, or between a mobile earth station and one or more complementary ground components used at fixed locations. Such a system shall include at least one space station;"

The purpose of the MSS Decision, as stated in its Article 1, is to "facilitate the development of a competitive internal market for mobile satellite services (MSS) across the Community and to ensure gradual coverage in all Member States." It created a procedure for the common selection of MSS systems that use the 2 GHz band in accordance with Decision 2007/98/EC. It also laid down provisions for the coordinated authorisation by Member States of the operators selected under that procedure to use the assigned spectrum.

Recital (11) of the MSS Decision notes that selection criteria for MSS systems "should exceptionally be harmonised so that the selection process results in availability of MSS across the European Union." It recognizes that the "[h]igh up-front investment required for the development of mobile satellite systems and the associated high technological and financial risks necessitate an economy of scale for such systems in the form of wide pan-European geographic coverage, so that they remain economically viable."

Recital (12) of the MSS Decision explains that successful launch of MSS systems requires coordination of regulatory action by Member States. It states that "differences in national selection procedures could still create fragmentation of the internal market due to the divergent implementation of selection criteria ... or different timescales of the selection process."

Recital (20) of the MSS Decision states that the right to use specific radio frequencies should be granted to the selected applicants "as soon as possible after their selection, in accordance with Article 5(3) of [the Authorisation Directive]". That article of the Authorisation Directive generally provides that a decision on the granting of a right of use shall be taken within six weeks of receipt of a complete application.

Title II of the MSS Decision sets forth the selection procedure for operators of MSS. Admissibility requirements for applicants in Article 4(c) required, among other matters, that applicants make the following coverage commitment:

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<sup>1</sup> OJ L 43, 15 February 2007, page 32.

<sup>2</sup> OJ L 172, 2 July 2008, page 15.

- (i) the mobile satellite system proposed shall cover a service area of at least 60% of the aggregate land area of the Member States, from the time the provision of MSS commences;
- (ii) MSS shall be available in all 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 adopted pursuant to Articles 5(2) or 6(3).<sup>3</sup>

The first selection phase for admissible applicants depended, among other matters, on a determination that the applicants had completed the first five milestones set forth in an Annex to the MSS Decision. These milestones commenced with submission of ITU request for coordination, culminating in milestone five with completion of the critical design review. The second selection phase – only to be used if the demand for MSS radio spectrum exceeded availability – depended on a set of weighted criteria, of which pan-European geographic and population coverage was most heavily weighted.

Title III of the MSS Decision sets forth provisions for authorisations. Under Article 7 of the MSS Decision, Member States must ensure that the selected applicants have the right to use the specific frequencies identified in the selection process and the right to operate a mobile satellite system. Member States are required in Article 7(1) to inform selected applicants of the rights identified under national and Community law under this article.

This right of use is subject to a set of common conditions specified in paragraph 2 of Article 7, which include that the applicants meet milestones six to nine in the Annex within 24 months of the selection decision. These milestones commenced with satellite mating (integration of the communication and service modules on the spacecraft), culminating in milestone nine with provision of “continuous commercial MSS” to cover the geographical area to which the applicant committed. Other conditions in Article 7 require applicants to honor the commitments they gave in their applications and to provide annual reports. Article 7(e) provides that “any necessary rights of use and authorisations” must have a duration of 18 years from the date of the selection decision.

Under Article 8 of the MSS Decision, Member States must ensure that their NRAs grant to the selected applicants the authorisations necessary for the provision of complementary ground components (CGC) of mobile satellite systems on their territories. The definition of CGC is set forth in Article 2(2)(b) as “ground-based stations used at fixed locations, in order to improve the availability of MSS in geographical areas within the footprint of the system's satellite(s), where communications with one or more space stations cannot be ensured with the required quality.”

CGC authorisations also are subject to common conditions, set forth in Article 8(3). In particular:

- (a) operators shall use the assigned radio spectrum for the provision of complementary ground components of mobile satellite systems;
- (b) complementary ground components shall constitute an integral part of a mobile satellite system and shall be controlled by the satellite resource and network management mechanism; they shall use the same direction of transmission and the same portions of frequency bands as the associated

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<sup>3</sup> “Publication” in this context refers to publication in the Official Journal, as required in Article 6(4) of the MSS Decision.

satellite components and shall not increase the spectrum requirement of the associated mobile satellite system;

- (c) independent operation of complementary ground components in case of failure of the satellite component of the associated mobile satellite system shall not exceed 18 months;
- (d) rights of use and authorisations shall be granted for a period of time ending no later than the expiry of the authorisation of the associated mobile satellite system.

### 3.2 The Selection Decision

Commission Decision 2009/449/EC of 13 May 2009 on the selection of MSS operators (the "Selection Decision") was officially published on 12 June 2009.<sup>4</sup> Two of four applicants were held to have completed the first five milestones and the other two were declared not eligible. The two successful applicants were Inmarsat Ventures Limited (Inmarsat) and Solaris Mobile Limited (Solaris), each of which requested 15 MHz of spectrum for both space to earth, and earth to space, applications.

The Selection Decision adoption date determined: (a) 14 May 2011, the date by which applicants were to meet the final milestones; and (b) 14 May 2027, the duration of the rights of use and authorisations granted for systems. The coverage deadline in the MSS Decision is based on the "date of publication" of the Selection Decision, and thus is no later than 13 June 2016.

### 3.3 The Enforcement Decision

#### (a) Background to the Enforcement Decision

Commission Decision 2011/667/EU of 10 October 2011 on modalities for coordinated enforcement with regard to MSS was officially published on 11 October 2011 (the "Enforcement Decision").<sup>5</sup>

Certain provisions on enforcement were already in place under the earlier legislation. Article 7(2)(d) of the MSS Decision requires applicants to give an annual report to national authorities on "status of development of their proposed mobile satellite system." Article 9 establishes rules on "monitoring and enforcement." Article 9(2) provides that Member States shall ensure monitoring of compliance with common conditions in Article 7(2) and "take appropriate measures to address non-compliance."<sup>6</sup> These penalties must be "effective, proportionate and dissuasive." That Article also requires that rules on enforcement and penalties accord with Community law, and in particular with Article 10 of the Authorisation Directive 2002/20/EC.<sup>7</sup>

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<sup>4</sup> OJ L 149, 12 June 2009, page 65. This Selection Decision was preceded by a call for applicants, requests for additional information and a decision on admissibility, all described in recitals to the Selection Decision.

<sup>5</sup> OJ L 265, 11 October 2011, page 25.

<sup>6</sup> Article 9(2) refers to common conditions "provided for in Article 7(2)" on the rights to operate a mobile satellite system, and not to those other common conditions set forth in Article 8(3) on CGC.

<sup>7</sup> OJ L 108, 24 April 2002, page 1, as subsequently amended by Directive 2009/140/EC, OJ L 337, 18 December 2009, page 37. Article 10(7) of the Authorisation Directive gives undertakings a right to appeal any such measures. See also Article 21a in the Framework Directive 2002/19/EC, which requires Member States to lay down rules on penalties, as added in Directive 2009/140/EC.

The Authorisation Directive (as amended) contains detailed provisions on enforcing compliance with conditions of general authorisations or rights of use and with specific obligations. Member States are required to implement these provisions irrespective of the 2 GHz MSS situation. Article 10 of the Authorisation Directive provides for a graduated approach to enforcement, with two phases: the first phase contemplates investigation of an alleged breach and adoption of measures to ensure compliance; the second phase contemplates withdrawal of the rights of use in case of failure to address serious or repeated breaches.<sup>8</sup>

## **(b) Provisions of the Enforcement Decision**

Article 9(2), third paragraph, of the MSS Decision empowers the Commission to examine any alleged breach of the common conditions, with the assistance of the Communications Committee (CoCom). Article 9(3) provides that "measures for defining any appropriate modalities for coordinated application of the rules on enforcement..." shall be adopted in accordance with regulatory procedure with scrutiny.

The Enforcement Decision derives from MSS Decision Article 9 and applies in the event of an alleged breach of the common conditions attached to the authorisations of either of the two operators. In line with Article 9(2) of the MSS Decision, the Enforcement Decision contains an important qualifier as to which conditions it covers. Recital 9 of the Decision states it should not cover enforcement of "pure national conditions nor apply to enforcement measures concerning conditions other than common conditions" arising out of MSS Decision Article 7(2). While the term "national conditions" is not defined, Recital 9 adds further interpretative language by stating that specific conditions with respect to CGCs have an "essentially national dimension." Thus, enforcement of common conditions in MSS Decision Article 8(3) relating to CGCs should not be included within the scope of the Enforcement Decision.

Article 3 of the Enforcement Decision provides for coordination of enforcement of the MSS common conditions. If a Member State finds that an authorised operator has not complied with common conditions, it shall inform both the operator and the Commission of its findings. The Commission must in turn inform the other Member States. This notice requires the other Member States to investigate whether there is a breach in their own jurisdiction and also give the operator an opportunity to state its views on this first phase remedy.<sup>9</sup>

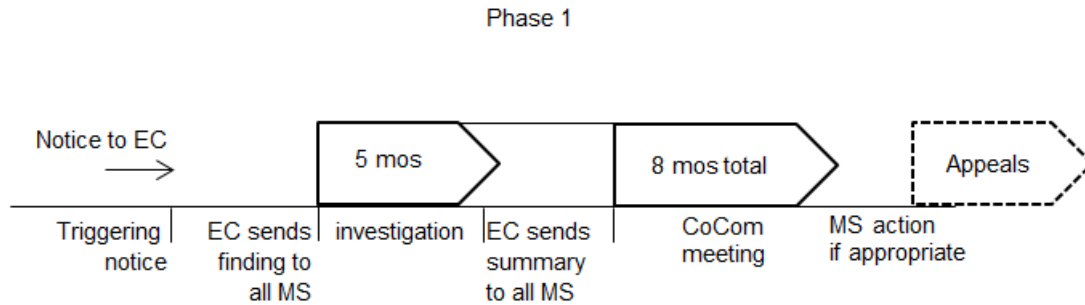
Once triggered, the Enforcement Decision establishes a time table for the other Member States to investigate. (There is no settled time frame under either the Enforcement Decision or the Authorisation Directive for how long the Member State must take to review an initial alleged breach.) The authorising Member States must report back to the Commission within five months of the notice. Then, within eight months from the original transmission of the notice by the Commission to the Member States, the Commission must convene a meeting of the CoCom to examine the situation (we presume the meeting must

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<sup>8</sup> Compare Authorisation Directive Article 10(2 and 3) relating to "phase 1" with Article 10(5) relating to "phase 2." These phases are noted in Enforcement Decision Recital 11, which refers to phase 2 applying to "serious and repeated breaches," which is incorrect. The Authorisation Directive Article 10(5) was amended by the "Better Regulation" Directive 2009/140/EC to change "serious and repeated breaches" to "serious or repeated breaches." This modest error in Recital 11 is not echoed in Enforcement Decision Article 3(6), which contains the correct formulation.

<sup>9</sup> This provision requires all Member State that have authorised MSS systems to conduct an investigation once the initial Member State triggers the process. See Enforcement Decision, Article 3(2) ("the other authorising Member States shall investigate...")(emphasis added).

be within this period, not the convening of the meeting, although this interpretation is not absolute). This time table may be illustrated by the following chart:

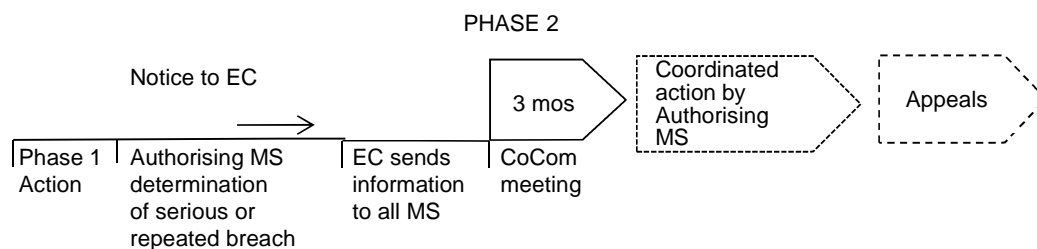


Member States cannot adopt any final decision on the alleged breach before this first phase CoCom meeting, under Enforcement Decision Article 3(4). Nevertheless, the Member States are not bound by and need not obtain approval from this meeting once held. The only constraint is that the Member States cannot withdraw or suspend any authorisation or right of use held by the authorised operator in this Phase 1, under Article 3(5).

Recital 11 to the Enforcement Decision notes that if the launch of a satellite would be needed to achieve compliance with any of the common conditions, then measures that the Member State might adopt could provide for a "roadmap including intermediate steps and corresponding time limits."

If a Member State has taken phase 1 action and subsequently determines there is a "serious or repeated breach," then that Member State must inform the Commission again of its intention and provide a summary of measures that the operator took to comply with the initial enforcement measure. Again, the Commission must communicate that information to the other Member States.

Within three months of this communication, a CoCom meeting shall be convened "to coordinate any withdrawal or suspension of an authorisation." The Member States must refrain from adopting any such decision until the meeting is held. Article 3(8) provides that following this meeting, "the authorizing Member States may adopt appropriate decisions with a view to withdrawing the authorisation granted to the authorised operator concerned." This time table may also be illustrated through the following chart:



Article 3(7) taken in conjunction with Article 3(8) on this phase 2 process, by comparison to Article 3(3) on the phase 1 process, aims at achieving a coordinated approach for authorizing Member States to revoke a 2 GHz MSS authorisation.

## 4. MSS SATELLITE COMPONENT AUTHORISATION REGIMES

### 4.1 MSS Authorisation Structures

The MSS Decision provided in Recital (20) that authorisations should be granted as soon as possible, by reference to the Authorisation Directive. Article 5(2) of the Authorisation Directive provides that a right of use for radio frequencies shall be granted within six weeks from receipt of the complete application.

As of the end of December 2010, authorisation structures for MSS were said to be in place for 21 Member States; 5 Member States said such structures were not in place; and 1 Member State did not give us information. However, by contrast of the end of December 2011, our research indicated that authorisation structures for MSS were said to be in place in all but one Member State.

The approaches that Member States have taken towards authorisation of the MSS component of 2 GHz MSS networks vary considerably.<sup>10</sup> Numerous possible models are applied to MSS authorisations:

- Twelve Member States apply either a license exemption or general authorisation for the MSS component. One Member State NRA concluded that it could not legally grant a general authorisation to specific identified applicants. One of these twelve Member States has actually issued a general authorisation although its rules may technically not be in place (IE).
- Nine Member States require an individual right of use for the MSS component.
- Six Member States require an individual right of use for a consolidated / integrated MSS and CGC network. Member States define this integrated right of use in different ways, however, as shown by the contrast between ES and PT, which both issue what they call an integrated right of use. In ES, the single right of use covers the MSS component and all CGCs, with a single fee. In PT, the single right of use covers the MSS component, but there is an additional (very large) fee for each CGC added to the network.
- Some Member States have granted temporary, testing or trial authorisations (for example, BE, FR, IT, LU) for the development of the service.
- Some Member States have included the two selected operators in their national table of allocations (DK, FI, PL).
- One Member State reported that authorisation of broadcast services over the MSS network could require additional rounds of authorisation from regional authorities (BE).

The definition of CGC structures often determines what services the operators can provide, and hence whether the business plans submitted to the Commission as part of the selection process can be fulfilled. For example, if only CGC repeater functions are permitted, then two-way communications may be limited. Similarly, if fee structures are very expensive for use of the 2 x 15 MHz allocation, then operators may not be able to build a business case for the services they proposed. Thus, we view the CGC regulatory

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<sup>10</sup> The MSS component refers to the actual MSS satellite and service. All Member States would likely require an individual right of use if a MSS permanent earth station were located in their territory.

context as potentially more important for determining whether regulatory structures are fully in place.

## **4.2 Procedures, Conditions and Modalities for Authorisation Regimes**

Interpretations of necessary procedures for establishing authorisation regimes have varied widely. Several Member States interpreted MSS Decision Article 7 to require that they should “reach out” in some manner to the selected applicants of the rights to use the specific frequencies identified in the Selection Decision (BG, CY, DK, NL and SE). Most Member States relied on applicants to contact them first. Several Member States have conducted broad consultations on the proposed rules (e.g., IE, PT, UK and FR). In the absence of such consultations there are limited descriptions of the rationale behind national authorisation schemes.

Operators have commented that some Member States require as a condition of obtaining the pertinent MSS authorisation that the operator establish a national branch office, with the examples cited of CZ, LV, MT, RO, SK and ES. Information necessary for such an establishment is not supplied by the NRA, but must be determined by the operator, which often requires assistance of local legal counsel. Operators consider the requirements for such branch establishments to be burdensome and administratively difficult, as they often require multiple translations and verification (i.e., obtaining apostilles) of corporate documentation, as well as hiring of local branch managers and maintaining physical addresses.

With respect to the forms required for MSS satellite component applications, there is wide variation. Most Member States have not prescribed specific dedicated forms, and most have relied on standard forms for electronic communications networks. For example, ES reports specifically that the standard form is used, not one specifically dedicated to MSS. The forms in general do not appear to present an administrative burden.

## **4.3 MSS Fees**

Fees for the MSS authorisations are diverse. As of the end of December 2011, our research allows us to define fee structures with reasonable certainty for the MSS component in all Member States.

We reported in the last study that the general pattern was to charge no or minor fees for the MSS satellite component, although there were substantial variations from this approach. This is no longer the case – the variations remain but there is no longer a pattern of applying minor fees. It remains correct that in 9 Member States, there is no fee for the MSS component or a very small registration. However, the top end fees are very substantial in some other Member States. Some Member States require an application fee while others apply an annual administrative fee covering the provision of service, based on either a set amount or proportion of revenues. We also are seeing more use of multiple fees.

The range of fees for the MSS component, including those structures that establish a combined fee for both MSS and CGC, but excluding minor administrative fees is as follows:



Fee Level (for 2 x 15 MHz)	Number of MS (adds to more than 27 due to multiple fees)	Specific MS (* indicates multiple fees, each * is an additional fee)
No fees	10 Member States (some network or service administrative cost recovery fees may ultimately be applied)	AT, CZ, DK, EE, FI, HU, NL, PL, SI, UK
One time administrative fee	6 Member States – range between €300 and €3,000	BE, BG, DE (with possible later additional fees to be determined), EL, MT, PT
Annual fees under €5,000	5 Member States	BE*, LU, MT*, PT*, RO
Annual fees from €5,000 to €15,000	3 Member State	EL*, FR, CY
Annual fees above €15,000	3 Member States	ES (combined MSS/CGC fee), IT, LT
Spectrum fee	2 Member States	BG* (annual fee of €265,400) SK (€12,456,315 one-time fee)
Revenue-based annual fee	7 Member States	EL** 0.0025% > €150,000 BG** 0.2% >€51,000 IE 0.2% > €500,000 (proposed) LV 0.17% LU* 0.9% €300,000 SK* 0.08% SE 0.1425% > €500,000

The next section reports that the most considerable fees are applied to the CGC element of the systems. Those fees can presumably be minimized or managed by the operator installing fewer CGC stations. Nevertheless, several Member States apply MSS fees that apply to any network operation in the Member State, which hence cannot be "managed" by system design or CGC placement. These fees can be very large; for example, the one-time initial fee of €12,456,315 in SK, or the annual satellite spectrum fee of €265,000 in BG, or some of the larger revenue based fees reflected in the table above.

One administratively burdensome fee structure also is noted for Spain, which requires the operator to submit receipts for payments to all autonomous regions in the total amount of €23,335, when applications are submitted for initial authorisation or modifications (not necessarily annually). The amount is not especially significant, but the determination of the sums due to each region must be based on each region's own regulations and the payments must be made personally (i.e., not electronically or in a centralized manner) to each region. This situation is seen by the operators as an administrative burden.

#### 4.4 Other issues – terminals

The general pattern is for consumer terminals associated with the MSS network to be license exempt. Two Member States, however, reported that CEPT technical standards for such terminals remain to be settled (EE, UK). The UK also noted that it would consult again on its terminal exemption regulations once the CEPT – ECC report/recommendation is complete. Nevertheless, Ofcom noted further "in the unlikely event that an MSS applicant request an authorisation we stand ready to make the necessary regulations with necessary interim measures on MSS-CGC terminals...."

It appears that this reference is to ongoing work in CEPT – ECC Working Group Spectrum Engineering Project Team 40 (SE40). The latest update from SE40 on the ECC Work

Programme Database indicates that this item, identified as SE40-18, is "in progress [to verify] if the conclusions of the ERC Report 065 are still valid when taking into account the characteristics of MSS terminals contained in EN 302 574-2 and EN 302 574-3."<sup>11</sup> The start date of this endeavor is listed as 1 September 2010 with a target date of 1 September 2012. It may be viewed as surprising that one apparently critical input to a network system that was mandated to be available by 1 July 2007 is still under study by the CEPT.

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<sup>11</sup> ECC Work Programme, <http://eccwp.cept.org/>, record page 10, last update 23 November 2011 (accessed 20 January 2012). The reference to ERC 065 is to a report issued on 1 November 1999, "Adjacent band compatibility between UMTS and other services in the 2 GHz band."

## 5. CGC AUTHORISATION REGIMES

The main issues for CGC authorisation regimes appears to be: (a) what the rules will permit – whether CGC solely provide a repeater function or can be used on a technology and service basis for other types of service; and (b) the level of fees that the regimes apply for those services – the variations in types of fee structures and amounts are substantial.

### 5.1 CGC Authorisation Structures

As noted above, the MSS Decision did not establish a date certain by which authorisation structures must be in place, but the standard was "as soon as possible." There has been substantial progress in the implementation of the CGC authorisation process over the last year, as shown by the following findings:

- As of the end of December 2010, our earlier research indicated that authorisation structures for CGC were said to be in place in whole or part in 16 Member States.
- As of the end of December 2011, we now find that authorisation structures are said to be in place in whole or in part in 25 Member States, of which 19 seem to be fully defined. In 2 Member States a consultation or further implementation is underway (IE and MT); in several others, overall regulations will be determined once an application is filed (EL, FR, LT and LV – we nevertheless interpret LT as complete because the anticipated conditions relate to border coordination with adjacent non-EU countries).

Whether a structure is partial or complete is a question of close interpretation. For example, Member State that says it will not define all CGC conditions until an application is submitted seems to have developed fee structures. Thus we tentatively include its rules are partially in place (LV). In another two, the structure for authorizing repeater only CGC service appears to be in place, but conditions for non-repeater CGC will not be set until an application is submitted (EL, FR). We interpret these structures as partially in place, as there is an identifiable path forward. However, we do not interpret a structure as complete, as opposed to partial, if there is no determination of how CGC that are more than a repeater service will be authorised.

A final issue is whether additional consultations or proceeding are needed for CGC services. As noted above, some consultations or proceedings are pending or are anticipated. The UK says that some statutory instruments or regulations would need to be finalized but that applications could be granted if anyone asked. On this basis we included it as partially in place, but it could well be viewed as fully defined (and overall we interpreted the UK structure as complete). Annex 3 provides the complete breakdown by Member State with respect to CGC structures.

### 5.2 Technology and Service Neutrality

Article 8 of the MSS Decision provides clarifications on the possible use of CGCs. It provides in 8(3)(b), that CGCs

...shall constitute an integral part of a mobile satellite system and shall be controlled by the satellite resource and network management mechanism; they shall use the same direction of transmission and the same portions of frequency bands as the associated satellite components and shall not increase the spectrum requirements of the associated mobile satellite system.

The article further provides in 8(3)(c) that "independent operation" of CGCs are permitted up to a period of 18 months "in case of failure of the satellite component."

We have reviewed the Member State rules to determine if there are constraints on the service that can be provided or the technical configurations (beyond those constraints set expressly under the MSS Decision). The key issue with respect to implementation of the MSS Decision has been whether the CGC stations are treated as solely repeater stations for the transmissions carried mainly through the satellite stations or can be used for two-way services under the network control of the MSS satellite component.

Some Member States expressly state that CGCs must be used solely for repeater functions (CY, CZ, HU) or have not developed rules for fee structures that permit two-way service (e.g., FR, MT). Some have expressly stated there is no such limit (e.g., EE, SE, UK); some others are not clear on the issue. At least one Member state expressly limits placement of CGCs to "white areas" where there is no satellite coverage (HU). Based on our review, we found the following results:

- As of the end of December 2010, authorisation structures for CGC were technology and service neutral in 7 Member States. Another 7 were not neutral; for the remaining 13 it was not possible to say or the regulations were not in place, based on responses to our inquiries.
- As of the end of December 2011, authorisation structures for CGC were technology and service neutral in 10 Member States. Another 11 were not neutral; for the remaining 6 it was not possible to say.

This assessment is particularly subjective – some Member States could in practice allow MSS applicants to provide a broad array of services or to use CGCs for more than simple repeater functions if the case were made. We determined that a Member State structure was not technology and service neutral if rules for such are not in place, the NRA affirmatively states CGCs are only for repeater service, or the fee structure for non-repeater services is substantially higher than for repeater-only service (e.g., IT, PL).<sup>12</sup>

### 5.3 CGC Fees

We noted above that fees for the MSS authorisations are diverse. The fee structures for CGC are extraordinarily diverse.

- As of the end of December 2011, we have defined fee structures for all but 4 Member States. The table below shows the differing approaches adopted by the Member States and the variations in the amounts that the Member States seek to charge for service authorisations.
- If an applicant used the 2 x 15 MHz allocation for which it was selected, it would incur minimum annual fees of approximately €40 million in the 22 Member States in which it is possible to calculate such fees.<sup>13</sup> This figure underestimates the total, because it excludes some additional filing and other fees that apply, and it also

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<sup>12</sup> Poland takes the position that its regulation should be classified as technology and service neutral. See country file statement that the difference in fees leaves it to the operator to choose the services it seeks to provide. We have interpreted this fee structure as imposing a substantial disincentive to operate CGCs other than as a broadcasting service, but recognize it is a matter of interpretation.

<sup>13</sup> This figure is derived in Annex 3 and must be treated as indicative, because it does not include Member State fee structures that rely solely on base station fees, where the ultimate amount cannot be calculated, or Member States that rely on percentages of revenue.

omits the Member State fee structures for either MSS or CGC with revenue-based fees, which range up to 0.9% of revenue.

The following table shows the types of fees and range that we have found. We have not included minor one time administrative fees (under €400) or network fees where spectrum fees are yet to be determined (e.g., BE):

Type of Fee	Specific MS (* indicates multiple fees)	Range of amounts, expressed per 2 x 1 MHz national coverage where possible
Unknown or to be determined  CGC technology neutral unknown or possible subject to change	BE (spectrum fee TBD), IE (proposed) NL (admin cost recovery TBD)  EL, FR, MT	IE proposes €67,000 to €133,000
Annual per CGC fee (or national if known)  Total minimum €89,811 (unreliable low figure as it is based on only a single CGC in several Member States)	SK EE IT CY PL FI EL* FR* PT	€955 €1,150 for the band €2,200 (for up to 10 repeater CGC) <sup>14</sup> €2,500 (for single non-repeater CGC) €2,500 (for single repeater CGC) €9,328 (national) €30,000 (for up to 10 CGCs) €19,200 (6 test CGCs) €21,978 (single station)
One time Total minimum €83,530	BE* DE AT	€636 (plus annual fee) €3,000 (plus possible future fees) €79,894 (plus annual fee)
Annual fixed fee under €100K (for 2 x 1 MHz) Total minimum €249,780	LU SI SE LV LT DK AT* PL* CZ ES	€1,000 (plus MSS revenue fee) €4,360 €5,500 (plus MSS revenue fee) €6,540 €8,200 €15,000 (national coverage) €34,880 €35,200 (national non-repeater CGC) €65,100 €74,000 (combined MSS / CGC fee) <sup>15</sup>
Annual fixed fees over €100K (for 2 x 1 MHz) Total minimum €2,472,800	HU RO UK IT*	€145,800 (in first 4 years; €291,000 thereafter) €240,000 €643,000 €1,444,000 (for non-repeater CGC network)
Annual revenue-based fee (this fee applies to combined revenue of MSS and CGC)	LU* SE*	0.9% (plus annual fee above) 0.1425% > €500K MSS revenues
Total minimum 2 x 1 MHz minus repeater CGC in IT and PL in first year =	€2,895,921	Calculations of 2 x 1 MHz based in each case on assumed national system, using duplex transmissions for first year, for non-repeater

<sup>14</sup> Italy and Poland maintain different CGC fees depending on whether the CGC is used for repeater service or otherwise.

<sup>15</sup> Spain's fee is €74,000 for the band, but as the authorisation is for combined MSS and CGC authority, it is not possible to apply for a smaller CGC increment, so we include the entire amount in this column. This fee is not precisely fixed, because it will be revised annually.

Type of Fee	Specific MS (* indicates multiple fees)	Range of amounts, expressed per 2 x 1 MHz national coverage where possible
Total minimum 2 x 15 MHz=	<b>€40,305,121</b>	CGC if permitted / defined.  Calculation of 2 x 15 MHz is based on Annex 3, as it cannot be determined simply as a multiplication x 15 due to national variables

Numerous Member States apply fees on a per kHz or MHz basis. In Annex 3 we have sought to calculate what these fees would come out to if the applicant used the full 2 x 15 MHz band for which it was selected. We understand that this use pattern may not be the case in all Member States. However, for any sort of two-way communications service, it is possible that the full allocation would be used or might be needed for capacity surges. In any event, the applicants were selected on this basis and the Member States are required to make that spectrum available under the MSS Decision. Taking into account these calculations, including proposed fee structures, we calculated the resulting annual fee shown above and in Annex 3.

#### 5.4 Other issues – duration and forms

We identified no special issues concerning duration and forms used for the CGC component. Generally, the same duration applied to CGC as for the MSS component. The forms that exist generally are the same as those used for electronic communications networks.

## 6. MSS AND CGC AUTHORISATIONS ISSUED TO THE OPERATORS

The applicants have not applied for authorisations in all Member States. Based on information that we have reviewed and confirmed with the Member States, 17 Member States have issued authorisations of some sort to the MSS operators or do not consider that they are needed. Of these authorisations, 3 are for the MSS component treating it as licence exempt and 7 subject it to a general authorisation. Some of the authorisations said to be issued to the MSS operators are for short term, regional or limited MSS operation without full clarification of the CGC services to be provided.

For full transparency and comparative purposes, we note our following findings:

- General authorisations or licence exemptions are considered to be in place for MSS services in AT, BE, DK, EE, FI, HU, IE, LT, LU and SE. Some other Member States have general authorisation structures, but this finding does not indicate that the complete regulatory structure is in place; for example, some of these Member State may have adopted an MSS regulatory structure, even if CGC elements are not totally in place. Nor does this imply that all steps necessary for an authorisation are in place – even for a general authorisation some notice filing typically is required and one Member State emphasized that it has adopted a general authorisation approach but no one has applied (PL).
- MSS individual rights of use have been issued in ES, FR, DE, IT, NL, SI and UK. Some of these rights of use are for trials or testing, such as the Italian and French authorisations. Others are for longer term and nation-wide service, such as in the UK, DE and SI.

## 7. RULES ON MSS ENFORCEMENT

### 7.1 MSS STANDARDS

#### (a) Enforcement Modalities

There are few specific Member State regulatory structures that are uniquely in place for enforcement of the MSS Decision. Some few Member States have adopted specific secondary legislation or regulations that refer specifically to enforcement (e.g., MT, DE). Some others include specific enforcement terms also in individual rights of use (e.g., UK).

In large part, modalities of enforcement will follow general patterns and regulations established for the telecommunications sector as a whole, which should correspond to Article 10 of the Authorisation Directive. For example, France stated that "our legislation is not MSS-specific but general: the basis is Article L.36-11 of Code des Postes et des communications électroniques, which requires ARCEP to notify its finding to the related operator who failed to comply with conditions attached to its authorisation and give him the opportunity to state its view within a reasonable time limit (transposition of Article 10 of Authorisation Directive 2002/20/EC)."

As such, there are no precise guidelines on how enforcement efforts might proceed, because NRAs have multiple options in terms of what enforcement actions to take. Tables attached to this report identify the general rules that apply for enforcement through notices of breach, fines and possible suspension / revocation of authorisations. Almost all, if not all, national legislation provides for an array of enforcement actions to fit the situation. For instance, Spain responded that it has authority to impose a wide range of penalties and any approach chosen will depend on the nature of the breach.

Which of these penalties an NRA might apply will depend on the circumstances – many provisions for revocation apply only in case of serious breach. NRAs have wide discretion on how to interpret the circumstances that might justify a penalty. An example comes from the Slovak Republic Act of 14 September 2011 on Electronic Communications. Article 34 of this legislation (unofficial translation) provides that the NRA "shall withdraw the individual authorisation or the allocated frequency" under various scenarios:

- a) the holder of the individual authorisation has not started using the allocated frequency for the permitted purpose or in the defined territorial extent within six months from the date of validity of the decision on the allocation, if the Office in the individual authorisation has not specified a longer period, or used for other purpose as it was allocated to him,
- b) the holder of the individual authorisation has not used the allocated frequency for the permitted purpose or in the defined territorial extent more than six months; the Office shall withdraw this authorisation if this status will prove repeatedly in the three subsequent inspections with the time intervals of minimum of two weeks between the inspections,
- c) the holder of the individual authorisation does not fulfil the obligations under this Act or defined in the individual authorisation although he was warned in advance of the possibility to have withdrawn the authorisation and has not applied remedy in the period defined by the Office...."

As a result of this wide flexibility, we did not receive – and did not expect to receive – detailed information from NRAs saying that they would take 'X' enforcement action to impose 'Y' penalty. Indeed, some NRAs responded that it was too early to contemplate



enforcement action (e.g., HU, IE, ) or enforcement was not seen as a useful approach yet (DE). No NRA indicated that enforcement measures were anticipated yet; five affirmatively stated that none are yet contemplated (CY, DE, DK, ES, SI).

Enforcement actions generally will be based on notice to the licensee and opportunity to cure the alleged breach. Notice is required by Authorisation Directive Article 10(2). A provision that an operator must be given an opportunity to cure the breach was deleted in 2009 amendments to the framework. Numerous Member States structures, however, still provide for this opportunity or to state a view on the alleged breach (e.g., DK, EL, FR, IT, RO, SK). The Authorisation Directive does not specify the amount of time that an operator should have to cure a breach, other than the implication that it must be a "reasonable time." Article 10(3). Thus, Member State requirements vary. Some seem to give the NRA discretion to define the appropriate period (e.g., SK). Others set guidelines (e.g., EL – one month, with possibility to re-grant the license after 2 years).

Annex 6 provides a broad overview and summary of the information contained in the Member State tables. This information is taken from national legislation and in some cases secondary regulation. We caution that the broad discretion normally given to NRAs for enforcement means that this information should be treated only as indicative. There is a pattern of setting a 30 day or 1 month period for a notice to an operator (12 Member States), or specifying that "reasonable time" should be given (5 Member States), but some others do not set any particular time or have a different timeframe (8 Member States). The precise amount of notice will likely differ depending on circumstances in most instances. The amounts of the fines vary over a wide range, so the numbers in Annex 6 are at best an extremely broad guide to the types of fines that could be applied.

Six Member States have legislation that specifically sets a "bringing into use" date for assigned rights of use. The period set in the legislation varies among two months (CY), six months (AT, SK), one year (SI, DE) and two years (EL). There may be other such limits in secondary legislation or regulation in Member States. We found no general pattern and most NRAs did not specify timing. It should be noted that the Enforcement Decision provides for a framework for coordinated enforcement which could harmonise timing to a certain extent.

## **(b) Monitoring**

MSS Decision Article 9(2) provides that Member States shall ensure monitoring of compliance with common conditions in Article 7(2), which include compliance with milestones six through nine, and "take appropriate measures to address non-compliance."

Generally all Member States have the authority to require regular monitoring reports. MSS Decision Article 7(2)(d) provides that the selected operators submit annual reports. This condition is reflected in virtually all Member State regulatory structures. The individual rights of use that we have reviewed also apply explicit monitoring requirements that permit continued NRA oversight. For example, the draft UK individual right of use provides for annual reports and continued oversight in section 4. The DE individual right of use also contains extensive monitoring and information requirements.

Timing on monitoring may vary. Thus, some NRAs stated that monitoring is already planned (e.g., AT, SE, IT). DE explicitly requires regular reporting from the authorised operator. One NRA noted that it will conduct monitoring based on drive tests in year 3 and 12 of the authorisation (IE). Another emphasized that its extensive range of field offices would monitor compliance (IT).

### **(c) Enforcement challenges**

One NRA pointed out that it lacks jurisdiction to address non-compliance with milestone 9 on provision of MSS within the territories of other Member States (LV). That milestone calls for provision of MSS within the territories of all the Member States, and the NRA noted it could not seek to enforce such a provision relating to service outside its own territory. (See also RO, HU.)

Several NRAs believe that they did not have jurisdiction to enforce conditions with respect to the MSS component (FI, LV, RO). As a general matter, if the operators have not yet applied for or obtain individual rights of use, then there is limited ability for the NRA to enforce anything, a point made by several (CY, FI, HU, IE, SI).

## **7.2 ANALOGOUS MEMBER STATE EXPERIENCE**

A difficulty that arises from looking at general NRA practice is that most past enforcement actions under general regulations are not pertinent to the MSS context, because they relate to interference complaints or compliance with unrelated regulatory obligations. Enforcement procedures under those circumstances are not relevant. Those that may be most pertinent would be enforcement actions that have applied to coverage (build-out or rollout) requirements or, in the satellite context, applied when an operator failed to meet regulatory deadlines for bringing into use a satellite spectrum and orbital assignment under the rules of the Member State or ITU.

For this reason, we looked beyond the information we obtained from NRAs to review experience with coverage or satellite usage. The recent report of the RSPG on improving broadband coverage referenced two such actions, in the UK and Denmark.<sup>16</sup> We are aware of another such judicial case in Germany and another regulatory case in Sweden. For satellite bringing into use, most cases are not reported. There is one high profile reported action from the UK that involved a MSS operator (ICO-P) seeking to use the same 2 GHz MSS spectrum that is the subject of this report.

We assess these various actions as analogies, with the caution that they cannot be considered direct precedent. Coverage decisions may be inappropriate analogies to the extent that a CGC network cannot necessarily be compared to a purely terrestrial network, and in any event the Enforcement Decision does not apply to CGC related conditions.

### **(a) Coverage requirements**

The recent report of the RSPG on broadband coverage referenced two actions to enforce coverage requirements for terrestrial mobile networks, in the UK and Denmark.<sup>17</sup> There are others cases of such enforcement, for example in Germany and Sweden.

#### UK experience

If Ofcom's Competition and Consumer Enforcement team has reasonable grounds to believe that a regulatory condition has been infringed then a notification of contravention

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<sup>16</sup> RSPG Report on Improving Broadband Coverage, RSPG11-393, 16 November 2011 ("RSPG Coverage Report").

<sup>17</sup> Id. at page 15.

may be issued. This notice requires the target of the investigation "to come into compliance and remedy the consequences of the notified breach."<sup>18</sup>

Ofcom typically consults with either the public or interested parties in case of an investigation into a breach of ex ante regulatory conditions, and has stated that its target for such actions is "four months for a closure statement or notification that a condition has been breached."<sup>19</sup>

Ofcom summarized its approach toward enforcing rollout conditions for 3G terrestrial mobile licenses by stating that the possibility of any criminal sanctions are not likely to be an appropriate means to follow. Further:<sup>20</sup>

- Revocation of a licence would only appear to be proportionate in serious cases of non-compliance. Such a serious case could exist if a licensee had not rolled out a network to any significant extent, was making little use of the spectrum, and had no significant subscriber base;
- By contrast, where a licensee had rolled out a network to a significant extent, and could clearly demonstrate to Ofcom a clear commitment to remedy the infringement, Ofcom would be likely to consider revocation a disproportionate step.
- In assessing the commitment of an operator to remedy any shortfall, Ofcom would expect to see evidence that the licensee could and would discharge the obligation in a timely manner. Such evidence might include a detailed programme for achieving compliance with technical and financial approval at Board level, an appropriate timetable for achieving compliance including specific target steps, and an agreed schedule for monitoring performance.

Ofcom also noted that enforcement of interference or technical equipment issues does not provide proper guidance for modalities of enforcing rollout requirements. Hence, Ofcom outlined the issues that it would investigate in cases of failure to meet rollout conditions, "to assess both the magnitude of problem and the reasons why it has occurred", looking at the following factors:<sup>21</sup>

- Any stated reasons for non-compliance [with a] rollout obligation;
- The extent of non-compliance and the anticipated timescale to remedy any deficiency;
- The number of subscribers of any non-compliant licensee;
- The compliance rates of other operators;
- The capital investment ratio of compliant/non-compliant licensees;
- The market environment pertaining at the time of investigation;
- Any technology issues that may be relevant, including their applicability to compliant/non-compliant operators respectively.

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<sup>18</sup> "Enforcement Report, A report on Ofcom's approach to enforcement and recent activity," 12 May 2009, paragraph 2.11.3. See also paragraphs 2.11.6 & .7.

<sup>19</sup> "Guidelines for the handling of competition complaints, and complaints and disputes about breaches of conditions imposed under the EU Directives," paragraph 19 and Table 2, July 2004.

<sup>20</sup> "3G Rollout obligations - Statement and Consultation," July 2006, paragraph 3.13

<sup>21</sup> Id. at paragraph 6.8.

In response to a lack of compliance by one of the 3G operators to meet conditions in 2008, Ofcom initiated an investigation.<sup>22</sup> It found that the operator only covered 75.69%, as opposed to the 80% coverage required by late 2007, and thus Ofcom issued a notice under the procedures of the UK Wireless Telegraphy Act for licence breaches.

Ofcom proposed that if the operator did not meet the rollout obligation by the end of June 2008, then the regulator would shorten the term of the operator's 3G licence by four months (hence ending on 31 August 2021 rather than 31 December 2021). No fine or other penalty was proposed, but Ofcom estimated that such a reduction of the licence term by four months would be equivalent to a financial sanction of at least £40 million. Ofcom subsequently confirmed that the operator met its 3G rollout obligation.

The penalty chosen by Ofcom in this situation is not necessarily useful for the 2 GHz MSS context, as the MSS operator is not bound to pay a large upfront payment or auction charge that would thus be depreciated over a shorter period if the license duration were to be reduced (except in AT, BG, and SI). What may provide guidance for 2 GHz MSS enforcement is the list of factors that the NRA would take into account and the high standard for any sort of revocation order.

#### Denmark experience

Denmark's then regulatory authority, NITA, in 2008 revoked two mobile network licenses based on failure to comply with coverage requirements. The Danish licenses were issued in October 2001 with 70% outdoor coverage requirements. In October 2007, the regulator requested information from the licensee on its coverage. The licensee responded with inconclusive information based on an outdated ITU standard. Throughout 2007, the regulator on three separate occasions gave the licensee further opportunity to respond, but the licensee ultimately sought either an exemption or postponement, also noting certain difficulties it experienced in a procurement tender. In a final letter of February 2008, the regulator requested documentation from the licensee on compliance, without obtaining satisfactory information.

Danish law required the regulator to apply penalties or injunctions to enforce license conditions before revoking a license. Further, a license could only be revoked for serious and repeated violations of the pertinent Act. Based on a comprehensive review of the record, the regulator in an April 2008 decision held that neither penalties nor injunctions could cause the licensee to perform, and thus the necessary remedy was license revocation. The regulator held out the possibility of an appeal of its decision.

We do not believe this example is pertinent to 2 GHz MSS, as it related back to licences to establish and operate a nationwide (non-PPDR) TETRA network and a licence to use specific frequencies in the 410-430 MHz frequency band for that particular network, issued in 2001.<sup>23</sup> This context is more connected to a well-recognized failure of a technology to obtain market acceptance than to any other factors.

#### German experience

On 17 August 2011, the German Federal Administrative Court issued a final judgment, upholding lower court rulings that the German telecoms regulator was justified in revoking one of the early 3G licenses for failure to meet build-out requirements, without refunding the €8.4 billion license fee.

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<sup>22</sup> See "Ofcom proposes action against O2 to meet 3G rollout obligation," February 27, 2008.

<sup>23</sup> Some background information on the tender is available at the "old" NITA web site at <http://en.itst.dk/spectrum-equipment/Auctions-and-calls-for-tenders/TETRA>.

In 2000, the German telecoms regulator RegTP (now restructured as BNetzA) awarded six 3G licenses. Among the successful bidders was Telefónica/Sonera, a consortium that intended to roll out a 3G service under the "Quam" brand. However, Telefónica/Sonera discontinued its German operations in 2002 without meeting any Quam license conditions. Eventually, though, Telefónica returned to the German market through the acquisition of O2 in 2005, itself one of the six successful bidders in the 3G spectrum auction and still a license holder.

The 3G licenses issued in 2000 were subject to certain network build-out requirements. License holders were required to cover at least 25% of the German population by 31 December 2003, and 50% by 31 December 2005.

In November 2002 Quam terminated all of its network operations because of technical problems and a low client number, but kept the licence it was not allowed to sell. RegTP first sought verification throughout Spring to Summer 2004 on Quam's intentions and build-out. Quam responded that market conditions and technology availability were insufficient. When it became clear by the end of 2004 that Telefónica/Sonera would not meet the coverage requirements, RegTP withdrew the license, in December 2004.

Telefónica/Sonera challenged the withdrawal in court and claimed repayment of the €8.4 billion license fee. Over almost 10 years, various courts of lower instances dealt with the case, but the Federal Administrative Court final judgment rejected the claim.

The Court held that RegTP had the right to withdraw the license, because there was a legitimate public interest to recover the relevant spectrum in order for RegTP to re-offer it to the market. Moreover, because the license was originally conditioned upon an effective use of the spectrum, the Court found no reason for Telefónica/Sonera to claim repayment of the license fee. The Court held that the license fee was not meant to compensate for the actual use of the spectrum during the license period, but rather, to serve as a means to award scarce spectrum resources to the successful bidders during an auction. This legislative aim would no longer be met if a successful bidder could eliminate the underlying principles of the auction retroactively, by violating the license conditions.

The frequency blocks were submitted to a tender in Spring 2010 after Quam had lost the final appeal. As such, this experience is of limited precedent value, because the rationale is based largely on auction theory. It is instructive, nevertheless, as evidence of the lengthy judicial proceedings that might be experienced in the event of enforcement actions.

#### Sweden experience

Swedish regulator PTS is responsible for ensuring compliance with regulatory obligations and describes its modalities in the following terms taken from its website: "If there is reason to suspect that an operator is not complying with these rules, PTS may inform the operator of the circumstance. If the notification does not lead to rectification, PTS may issue such orders and prohibitions that are necessary to ensure that such rectification takes place."

PTS issued several reports on its enforcement actions with respect to rollout of mobile terrestrial infrastructure.<sup>24</sup> In 2004, PTS reviewed assessments from UMTS license holders on coverage requirements that applied by 31 December 2003. PTS subsequently formally notified the license holders that they had not satisfied the conditions and gave them a

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<sup>24</sup> For example, see the PTS report on 22 February 2005 on "[UMTS - 3G rollout - final report 2004 - PTS-ER-2005:4](#)" and "[3G rollout - final report 2005 - PTS-ER-2006:4](#)," 23 February 2006

"reasonable time for rectification and to satisfy the population coverage conditions up to 1 December 2004."

In June 2004, numerous operators applied for an extension of time for the rollout until 31 December 2007 (with graduated building requirements) and for an amendment of certain technical parameters. In December 2004 through early 2005, PTS rejected the application and formally notified the operators that they had not satisfied the requirements of the licence conditions. PTS invoked Chapter 7, Section 4 of the Electronic Communications Act, to give them a new reasonable time for rectification, which PTS determined would be the minimum period of one (1) month prescribed by the Act, until 28 February 2005, to achieve coverage requirements.

In October 2005, PTS rejected the operators' further request for a change to an alternative technology because it "could not ensure in an acceptable way that end-users would not be negatively affected by a change of conditions. " PTS stated that it would conduct a review of spectrum conditions for UMTS operations, at which time it might consider the change in technical requirements.

**(b) Bringing into Use enforcement**

The requirement for a satellite system to be brought into use is based on ITU standards that are beyond the scope of this report. The recent UK experience with the ICO-P network is not based on ITU standards per se, however, but stem from national regulatory provisions related to the ITU standards. As such, the modalities of the recent ICO-P enforcement action may be seen as pertinent to the MSS enforcement approach.

The following table summarizes the chronology and modalities of the UK enforcement action in response to the ICO-P network, based on quotations from the Ofcom website:<sup>25</sup>

"Statement[s] on authorisation of the ICO-P system"	Date
<p>If there is insufficient evidence of progress as against the milestone commitments on the basis of the information supplied by the satellite operator, Ofcom will provide the satellite operator with an opportunity to remedy the situation and ensure that progress is brought into line with the milestone commitments within a specified timeframe. If this situation is not remedied within the specified timeframe, action may be taken to cancel the relevant ITU filings.</p> <p>Following a review of the status of deployment of the ICO-P mobile satellite system, Ofcom has decided to set a deadline for the provision of evidence demonstrating that ICO has entered into binding contracts and has secured the necessary funding related to bringing the ICO-P system into full commercial use.</p> <p>ICO was informed in December 2006 that it is required to provide this evidence to Ofcom no later than 30 June 2007. In the event that such information is not provided to Ofcom by the date indicated, action may be taken to cancel the ITU registration of the ICO-P frequency assignments.</p>	<p>22 June 2007</p>
<p>Following a review of the status of the deployment of the ICO-P mobile satellite system conducted over a three year period involving extensive consultation with ICO Global Communications (ICO), and having carefully considered the</p>	<p>27 February 2009</p>

<sup>25</sup>

Available at <http://stakeholders.ofcom.org.uk/spectrum/spectrum-management/icop-system/?a=0>.

representations made by ICO, Ofcom has taken a decision that it will write to the ITU on 17 March to instruct that the ICO-P assignments currently recorded in the ITU Master Register be cancelled.	
On 13 March ICO wrote to Ofcom referring to its right to seek a judicial review of Ofcom's decision to write to the ITU to instruct that the ICO-P assignments currently recorded in the ITU Master Register be cancelled. In light of this Ofcom considers that it is appropriate for it to refrain from writing to the ITU before the time period for ICO to apply for a judicial review expires, which is 23 May 2009.	9 March 2009
Ofcom took a decision on 24 February 2009 to write to the [ITU] to instruct that the ICO-P assignments currently recorded in the ITU Master Register be cancelled ("the Decision"). Ofcom subsequently informed ICO that it would refrain from writing to the ITU before the time period for ICO to apply for a judicial review of the Decision expired, which was on 23 May 2009. On 22 May 2009, ICO applied to the High Court for a judicial review of the Decision. Ofcom is contesting ICO's claim and has filed its grounds at the High Court.	25 June 2009
Ofcom has successfully defended ICO's application for a judicial review of Ofcom's decision to write to the [ITU] to instruct that the ICO-P assignments currently recorded in the ITU Master Register be cancelled. Following a two day hearing (12 and 13 May 2010), the High Court gave its judgment on 30 July 2010 refusing ICO's application for a judicial review.	11 August 2010
The High Court handed down its judgment on 30 July 2010 refusing ICO's application for a judicial review of Ofcom's decision to write to the International Telecommunications Union to instruct that the ICO-P assignments currently recorded in the ITU Master Register be cancelled. At a hearing on 22 September 2010, ICO applied for permission to appeal the Court's judgment, which the Court refused. ICO indicated to the Court that it intends to apply directly to the Court of Appeal for permission to appeal. Ofcom confirmed that it would not write to the ITU until any appeal (if permission is given) is determined.	5 October 2010
The Court of Appeal has upheld Ofcom's decision to write to the [ITU] to instruct that the ICO-P assignments currently recorded in the ITU Master Register be cancelled. In its judgment of 11 October 2011, the Court of Appeal dismissed ICO's appeal against the High Court's refusal of its application for a judicial review of the decision.	undated, c. 11 October 2011

While it follows from a very fact-specific context, this series of decisions and NRA actions gives interesting precedents for 2 GHz MSS enforcement.

## 8. CONCLUSIONS

Our report gathered information from Member State authorities on the status of their regulatory structures for authorizing MSS and integrated CGC. We obtained reasonably detailed responses about regulatory structures in all Member States. With respect to regulation and authorisation of MSS satellite components:

- **Regulatory structures:** As of the end of December 2011, authorisation structures for MSS were said to be in place for all but one Member State – Ireland has yet to conclude its consultation but says it can grant a general authorisation.
- **Fees:** These are very diverse in the Member States that have established them in whole or in part. As of December 2011, our research allows us to define fee structures for the MSS component in all but one Member State (again IE, but its fee structure is defined in the pending proposal). We see trends toward multiple and higher fees.

With respect to CGC regulatory structures:

- **Regulatory structures:** As of the end of December 2011, authorisation structures for CGC were said to be in place in whole or in part for 25 Member States, of which 19 are characterized as complete.
- **Permitted services:** Authorisation structures for CGC were technology and service neutral in 10 Member States. Another 11 are not neutral; for the remaining 6 it is not possible to say.
- **Fees:** These are extraordinarily diverse – both with respect to the manner in which fees are developed and applied, and the levels of the resulting fees. Fees range from €350 for a base station using 1 MHz of unpaired spectrum to €1.44M for a single national authorisation using 2 x 1 MHz of paired spectrum, to over €21 million for a national authorisation using 2 x 15 MHz of paired spectrum, with seven others based on percentages of revenue for the MSS, CGC or both.
- **Full Service Fees:** For 22 Member States we can calculate the fees that would apply if an applicant used the 2 x 15 MHz allocation for which it was selected. These fees would be a minimum of €40 million per year, a figure that understates the total.
- **Combined fees:** The fee structure generally are driven by the CGC fees, as they are the highest and generally most complex. Annex 4 presents the combined fees in Member States for both MSS and CGC. Few generalizations can be made due to the diversity of combined fee structures.

With respect to actions already taken under existing regulatory structures:

- **Authorisations granted:** General authorisations or licence exemptions for the MSS satellite component are in place in 10 Member States (AT, BE, DK, EE, FI, HU, IE, LT, LU and SE).
- Individual rights of use or one sort or another have been issued in 7 Member States (DE, FR, ES, IT, NL, SI and UK). Some of these rights of use are for trials or testing, such as the French authorisations for regional CGC operation, associated with a long term MSS right of use. Others are for nation-wide service, such as in



the UK (where the CGC authorisation will depend on additional statutory instruments but Ofcom says it could grant an application if filed), DE and SE.

We conclude that authorisation structures in 20 Member States can be considered complete, with another 7 not complete in some respect (see Annex 5). This assessment could vary depending on how Member State structures are interpreted – 5 of the "completes" could be moved to "not complete" while 3 of the "not completes" could possibly be moved over to "complete." The result is a range of 13 to 21 authorisation structures being complete, depending on how national rules are interpreted.

We also conclude that some Member States structures are outside the average, in particular as regards the level of fees requested (see Annex 5).

With respect to enforcement, all Member States have general provisions on issuing notices of breach, possible revocations and fines for non-compliance. Some Member States have commented that they will find enforcement to be difficult for MSS operations, and impossible for those operations outside their jurisdiction. No Member State has reported ongoing enforcement proceedings.

**All opinions expressed in this study are those of the authors and do not necessarily reflect the views of the European Commission.**

## ANNEX 1 – COUNTRY FICHES

### AUSTRIA

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
Austria	Yes	No	LE	Licences will be required for CGC	None	None - LE	

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Austria	Yes	No	Based on Decision 626/2008/EC	<p>The "Ordinance for Telecommunications Fees" (Telekommunikationsgebühren-Verordnung -TKGV) as amended in March 2011 differentiates between fees for frequency assignment and fees for frequency utilisation. For CGCs the following fees are applicable (rounded amounts).</p> <p>Frequency Assignment Fee (one-off fee) per each assigned 25 kHz:</p> <p>a) a local service area (up to 500.000 inhabitants) € 207</p> <p>b) countrywide service area: € 1031</p> <p>c) other service area: € 618</p> <p>Frequency Utilisation Fee per month per each assigned 400 kHz:</p> <p>a) a local service area (up to 500.000 inhabitants) €116</p> <p>b) countrywide service area €581</p> <p>c) other service area €349</p> <p>Remark: "Other service area" in this respect means a service area of the size "between" local (district, section of a city or area) and countrywide (all Austria).</p>	In general licenses in Austria are issued for 10 years. Therefore the maximum duration of licences for CGCs is 10 years, with the possibility for renewal, upon application from the operator in due time before the end of the 10 years period, for the rest of the authorisation according to the provisions of Decision 626/2008/EC until 13 May 2027	

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Austria	No  Measures taken: Monitoring campaign mid of 2011; no signals detected  Measures anticipated:	Yes	✓	✓  Penalties range from €4,000 to 58,000 in TKG §109	✓	<p>Austrian telecommunications law (TKG) contains provisions on enforcement; e.g., §54 (12) TKG provides that a frequency license may be revoked if the licensed frequency is not used for the intended purpose within six months of licensing or if usage is interrupted for more than six months. § 85 (2) TKG provides that an authorisation for the installation and operation of a radio system and a frequency license shall expire after twelve months beginning with the day of authorisation and licensing if essential parts of the system are not operational at that time.</p> <p>Enforcement responsibility is with Federal Ministry of Transport, Innovation and Technology, DG for Postal and Telecommunication Affairs, and subordinate bodies (Frequency Office, Office for Radio and Telecommunication Terminal Equipment, 4 regional Telecommunication Offices, 7 Radio Monitoring and Inspection bodies)</p> <p><b>Any necessary further comments on enforcement:</b> NO CHANGE ON NATIONAL BASIS</p> <p>In case of a revocation, the usual way is to communicate to the licensee it's breach with the request to act in line with the license in due time (but no strictly defined procedure as e.g. a time schedule and so on is fixed). The basic acting rules of Austrian public authorities are laid down in the laws for "Verwaltungsverfahrensgesetze" containing different laws with rules for actions of public authorities in general.</p>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Austria		Decision on allocation of spectrum reflected in national radio frequency table, BGBl. II – Issued on 24 <sup>th</sup> of February 2011 (an amendment of the national radio frequency table) at page 156 and 159, referring to Decision 626/2008/EC

## AUSTRIA

**BELGIUM**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>
							<b>STATUS if pending</b>
Belgium	Yes	Yes authorisation given to Solaris	GA (*)  MSS operators must register as service provider, this registration automatically exempts the terminals from individual licensing. See ECC DEC/(07)(05); and Royal Decree of 16/04/1998 Automatic exemption if the company is registered as Operator in Belgium	Authorisations refer to Decision 626/2008/EC	Annual fee of €524 as network operator fee plus a one-time registration fee of €636	None	<ul style="list-style-type: none"> <li>(*) To offer broadcasting services an additional authorisation must be obtained from the Belgian Communities (in the Brussels-Capital Region and if broadcasting solely in French or Flemish, then from the respective French or Flemish Community; if mixed , then from the BIPT) due to Belgian Constitutional provisions and court interpretations going back to 1990; See Constitutional Court Dec 7/90, 25 January 1990.</li> <li>Conditions will be set once a formal application is filed (no particular form is specified)</li> </ul>

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Belgium	No	No		<ul style="list-style-type: none"> <li>Annual fee of €524 as network operator fee plus one-time fee of €636</li> <li>Annual spectrum fees to be determined, proposed €1,500 / CGC</li> </ul>		

Enforcement						
Member State	Specific rules?	General rules ?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Belgium	No  Measures taken:  Measures anticipated:	Yes	✓ Minimum 10 days' notice of infraction; minimum one month to cure	✓ up to 5% of revenue	✓ Conseil sets a "reasonable period for cure"	Loi relative aux communications électroniques of 13 June 2005 ; generally Title V, Chapter IV provides for penalties ; e.g., Article 145 provides for fines; rights of use are revocable under Title II, chapter VI, e.g., Article 39. The Loi portant des dispositions diverses en matière de communications électroniques of 18 May 2009, in Articles 5 and 6, modifies previous laws to provide notice of breach and penalty provisions  <b>Any necessary further comments on enforcement:</b> NO

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Belgium	No	See above

**BELGIUM**

**BULGARIA**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations  STATUS if pending</b>
Bulgaria	Yes	Not yet Invitation letters are sent to the two MSS operators	IR	Notification to the Communications Regulation Commission (CRC); terms and conditions in accordance with the Law on Electronic Communications, and in line with Decision 626/2008/EC; Second step is issuance of authorization	Authorisation fees – BGN 5000 (€ 2654,10)  Annual fee for control – revenue based: if revenues above BGN 100 000 (€ 51282) – 0,2% of the annual gross income of enterprises on the territory of the Republic of Bulgaria, not including VAT after deduction of transfer payments to other enterprises for network interconnection and access, transit, roaming, value added services, and costs of settlement of copyright and related rights for radio and television programs  Annual fee for 2x15 MHz – BGN 500 000 (€ 256 410,25)	Unknown	

<b>CGC Component</b>						
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued? (Yes/No) Date</b>	<b>Main conditions of CGC authorisations: Common conditions</b>	<b>Main conditions of CGC authorisations: Fees</b>	<b>Main conditions of CGC authorisations: Duration</b>	<b>Other conditions of CGC authorisations</b>
Bulgaria	Yes	Not yet Invitation letters are sent to the two MSS operators	Terms and conditions in accordance with Decision 626/2008/EC	Fees are according to a Government Decree No. 264 of 19 September 2011 on Amendment and Supplement to the Tariff on Fees Collected from the Communications Regulation Commission under the Electronic Communications Act (adopted by a Government Decree No. 336 of 2010) which sets out the fees for the provision of electronic communications with integrated mobile satellite system.		

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Bulgaria	No  Measures taken:  Measures anticipated:	Yes	✓  Not specified in the ECA; maximum 6 month administrative period.	✓  Art. 324 provides fines of between 30,000 and 300,000 BGN	✓  Thirty day notice and opportunity for cure in Art. 117 of the Act	The withdrawal, revocation or suspension of an authorization for use of individually assigned scarce resource radio spectrum for provision of electronic communications with an integrated mobile satellite system is in accordance with Chapter V, Section IX of the Electronic Communications Act. The administrative penalty provisions are imposed by the CRC under Chapter XXI of the Electronic Communications Act (the "ECA"). See also Administrative Violations and Sanctions Law.  Any necessary further comments on enforcement: None

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Bulgaria	Not yet granted	Law on electronic communications, adopted by National Assembly on May 10, 2007; see generally Art. 106 – 108 for rights of use; latest version of the Law on Electronic Communications was published on 29th December 2011. General Requirements for Provision of Public Electronic Communications. Technical Requirements for Operation of Electronic Communication Networks of the Fixed-satellite and Mobile-satellite Radio Services and Related Equipment (Technical Requirements). Conditions of Authorizations to Use Individually Assigned Scarce Resource Radio Spectrum for Provision of Electronic Communications with Integrated Mobile Satellite System. Rules for Operation of Electronic Communications for Private Needs through Radio Equipment Using Radio Frequency Spectrum which does not Need to be Individually Assigned. Government Decree No. 264 of 19 September 2011 on Amendment and Supplement to the Tariff on Fees Collected from the Communications Regulation Commission under the Electronic Communications Act (adopted by a Government Decree No. 336 of 2010)

**BULGARIA**

**CYPRUS**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>
							<b>STATUS if pending</b>
Cyprus	Yes	No	IR	<ul style="list-style-type: none"> <li>One license will cover both the satellite and the ground components</li> <li>Terms and conditions are in accordance with Decision 626/2008/EC</li> </ul>	Annual fee of €10.000	13 May 2027	Forms: none in particular, selected applicants should send a letter to the Director of the NRA requesting an authorisation  Regulator contacted operators post selection. Sent them a draft authorisation but have not yet received any response.

<b>CGC Component</b>						
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued? (Yes/No) Date</b>	<b>Main conditions of CGC authorisations: Common conditions</b>	<b>Main conditions of CGC authorisations: Fees</b>	<b>Main conditions of CGC authorisations: Duration</b>	<b>Other conditions of CGC authorisations</b>
Cyprus	Yes	No	<ul style="list-style-type: none"> <li>One license will cover both the satellite and the ground components</li> <li>CGC are not allowed to operate independently from the satellite stations of the MSS and are not allowed to provide services that are not being provided by the satellite stations of the MSS</li> </ul>	Annual operational fee of €2.500 for each Complementary Ground Component	13 May 2027	Forms: each CGC requires a Notification Form.  Assumes CGC is repeater function



Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Cyprus	No  Measures taken:  Measures anticipated:	Yes	✓  Opportunity for cure is provided, (see comments)	✓  See comments	✓  Not specified (see Radiocom Law, Art. 29)	Sanctions are defined in the National Radiocommunication Law.  <b>Any necessary further comments on enforcement</b>  At the moment, authorizations have not been granted (because the two operators have not yet requested them).  Sanctions are defined in the Radiocommunication Law of 2002 (N.146(I)), as amended, e.g., by Radiocommunications (Amendment) Act 2006, and are according to Article 10 of the Authorization Directive.  Art. 4(2) Para (o) provides for maximum admin fines of €1,708 / day / station for infringement of RF conditions –Radiocommunications (Authorizations) (Amendment) Regulations of 2011 (P.I. 36/2011, 28.1.2011)  If an operator does not begin to use the spectrum within two (2) months from the date when the individual right to use, the Director may terminate the individual right of use, Radiocommunications (Authorisations) Regulations 2004, Art. 13(2)D  Operator has 30 days to respond to notice of a proposed fine. Radiocommunications (Authorisations) Regulations 2004, Art. 20(2)  Forms are specified in appendices to these Regulations

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Cyprus	Not yet granted	Radiocommunications Law of 2002 (N.146(I)), as amended. Electronic Communications Law of 2004 (N.112(I)), as amended.

**CYPRUS**

**CZECH REPUBLIC**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>
							<b>STATUS if pending</b>
Czech Rep.	Yes	No	GA	Space stations not subject to authorisation; services for MSS and terminals provided under GA	Registration for services is 1000 Kc = €40.7	None	Amended Act on Electronic Communications (AAEC) Act No. 468/2011 Coll., amending Act No. 127/2005 Coll., the Electronic Communications Act, Act No. 101/2000 Coll; to enter into force on 1 January 2012. This Act implements 2007 EU Framework Dir. Amendments, with nothing specific to MSS

<b>CGC Component</b>						
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued? (Yes/No) Date</b>	<b>Main conditions of CGC authorisations: Common conditions</b>	<b>Main conditions of CGC authorisations: Fees</b>	<b>Main conditions of CGC authorisations: Duration</b>	<b>Other conditions of CGC authorisations</b>
Czech Rep.	No	No	Not determined	<ul style="list-style-type: none"> <li>CGC component fee will be 1600 kc/1 kHz of frequency used (equivalent to €65.1 / kHz = €65,100 / MHz) per year</li> <li>CGC service one time registration fee of Kc 3,000 (equivalent to €122)</li> <li>Business registration also needed</li> <li>Fee is only imposed for the downlink</li> </ul>	Not determined	CGC considered as a land mobile service Forms available on NRA website

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Czech Rep.	No  Measures taken:  Measures anticipated:	Yes	✓  Consultation period of 30 days (Act, Arts. 114 and 130)	✓  Fine schedule applies up to CZK 100 000 per Act No. 468/2011, Art. 119(7)	✓  Consultation period of 30 days	The 2005 Electronic Communications Act as amended, in full reading of No. 259/2010 Coll. permits cancellation of GA in Article 12 and cancellation of rights to use spectrum in Article 19(4), 22b and 23(5) (added in Act of 21 April 2010 amending Act no. 127/2005 Coll). Administrative offenses are defined in Title VII, Article 118 (fines in Article 120), breaches including fines in Article 119. Notice and opportunity to cure breach is provided in Article 114.  Any necessary further comments on enforcement: None  Monitoring is provided in Amendment 46 of Act No. 468/2011 Coll.  Reference sources – see generally <a href="http://www.mpo.cz/dokument75810.html">http://www.mpo.cz/dokument75810.html</a>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Czech Rep.		Electronic Communications No. 127/2005 as amended, with the most recently consolidated version issued by update No. 259/2010 Coll., September 2010 (no explicit reference to MSS or Decision 626/2008/EC).

## CZECH REPUBLIC

## DENMARK

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
Denmark	Yes	Yes Solaris, 5 June 2010	GA by reference in Frequency Table	Frequency table refers specifically to Decision 626/2008/EC and selected operators	None	By reference to Decision 626/2008/EC, calculated as 12 May 2027	Regulator contacted operators post selection

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Denmark	Yes	No	NRA will rely on conditions for use based on Decision 626/2008/EC once applicants apply	Considered as terrestrial operations with standard fees. A licence can be issued for frequencies to be used from a specific location or from within a geographically delimited area: <ul style="list-style-type: none"> <li>• Single location - € 350 per 1 MHz unpaired; or</li> <li>• National coverage - € 7,500 per 1 MHz unpaired; and</li> <li>• A minor administrative fee - € 40 per year</li> </ul>	Would apply same duration as Decision 626/2008/EC	

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Denmark	No	Yes	✓	✓	✓	<ul style="list-style-type: none"> <li>• Act on Radio Frequencies, Act No. 475 of 12 June 2009, contains enforcement provisions:</li> <li>• Part 4, section 25-26 concerns enforcement and permit licence revocation;</li> </ul>

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
	Measures taken: none  Measures anticipated: none		Not specified by law	Not specified by law	Generally subject to 1 year notice	<ul style="list-style-type: none"> <li>Part 13 concerns sanctions and penalty provisions, permitting fines for non-compliance with licence terms and in particular for failure to submit information to the NRA (entry into force 1 January 2010)</li> </ul> <p><b>Any necessary further comments on enforcement</b></p> <p>In case of a breach a first step would be to seek confirmation by the relevant operator. In case the breach concerns the common conditions of Decision 626/2008/EC, the coordination procedure of the Commission Decision on modalities for coordinated application of the rules on enforcement with regard to mobile satellite services (MSS) pursuant to Article 9(3) of Decision 626/2008/EC of the European Parliament and of the Council would follow. The following step would be to ask the operator to provide information on how and when the problem would be solved. When all relevant information has been received the Danish Telecom Authority would decide whether or not a penalty would be relevant.</p> <p>Revocation of a licence can only be relevant in case of failure to pay charges (section 25 of the Frequency Act) or in case of grossly violation of the Act, rules laid down in pursuance of the Act or of terms in a licence (section 26 of the Act).</p>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Denmark	Not yet granted	<p>Act on Radio Frequencies, Act No. 475 of 12 June 2009 (specific reference to Decision 2009/499/EC, Decision 626/2008/EC and to two operators in 2 GHz MSS spectrum)</p> <p>Reference: see <a href="http://en.itst.dk/spectrum-equipment/frequency-legislation/Act%20No.%20475%20on%20Radio%20Frequencies.pdf">http://en.itst.dk/spectrum-equipment/frequency-legislation/Act%20No.%20475%20on%20Radio%20Frequencies.pdf</a></p>

## DENMARK

**ESTONIA**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>  <b>STATUS if pending</b>
Estonia	Yes	No	Exempt	Requirements for the use of radio equipment exempted from frequency authorisation are specified in the Regulation of the Minister of Economy Affairs and Communications <a href="http://www.tja.ee/index.php?id=11844">http://www.tja.ee/index.php?id=11844</a>	Terminals and satellite components exempted from licensing – no fees	None	Notice required for commence of activities – network service and data service, provided in ECA, Art. 4 – standard form on NRA website

<b>CGC Component</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued? (Yes/No) Date</b>	<b>Main conditions of CGC authorisations: Common conditions</b>	<b>Main conditions of CGC authorisations: Fees</b>	<b>Main conditions of CGC authorisations: Duration</b>	<b>Other conditions of CGC authorisations</b>	
Estonia	Yes	No	Individual rights of use with no distinction whether repeater or working in terrestrial mode	Annual fees based on spectrum used per base station; for example, bandwidth usage between 1 – 10 GHz for single base station charged at approximately €1,150 / year	The duration of frequency authorisation is one year and it shall be extended every year	Does not assume CGC is repeater function Standard forms on NRA website Technical rules pending on CEPT technical studies	

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Estonia	No  Measures taken:  Measures anticipated:	Yes	✓  Minimum one month notice, ECA Art. 18	✓  Up to €3,200 (50,000 kroons)	✓  Minimum one month notice, ECA Art. 18	<ul style="list-style-type: none"> <li>Sanctions including fines can be imposed under authorisations</li> <li>NRA can revoke a frequency authorisation for violation of terms and conditions, see chapter 14, section 153 et seq., "Liability" in EE Electronic Communications Act</li> </ul> <p>Any necessary further comments on enforcement: None</p>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Estonia	Not yet granted	Electronic Communications Act 2005 as amended (no specific reference to MSS) at <a href="http://www.legaltext.ee/text/en/X90001K2.htm">http://www.legaltext.ee/text/en/X90001K2.htm</a> National Radio frequency allocation plan specifically states the MSS frequencies are in compliance with EC Decision: "Grant of frequency authorization for the use of Complementary Ground Component is in accordance with the requirements of 626/2008/EC"

## ESTONIA

**FINLAND**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>  <b>STATUS if pending</b>
Finland	Yes	Yes In national radio table	GA	Frequency table refers specifically to Decision 626/2008/EC	Fees apply to CGC only	None	License exemption for terminals is established by Radio Frequency Regulation No. 15

<b>CGC Component</b>						
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued? (Yes/No) Date</b>	<b>Main conditions of CGC authorisations: Common conditions</b>	<b>Main conditions of CGC authorisations: Fees</b>	<b>Main conditions of CGC authorisations: Duration</b>	<b>Other conditions of CGC authorisations</b>
Finland	Yes	No		Fee from the beginning of 2011 are calculated for CGC base stations according to a formula based on spectrum used and population coverage. For example a CGC base station(s) using 2 x 5 MHz frequency spectrum with a coverage area of Helsinki (pop. 583 350) would have an annual frequency fee of €2824. Coefficient figures are subject to change  Reference: <a href="http://www.ficora.fi/attachments/englantiav/63D5p9vqi/Asetus_tajuuusmaksuista_EN.doc">http://www.ficora.fi/attachments/englantiav/63D5p9vqi/Asetus_tajuuusmaksuista_EN.doc</a>	Term of 18 years from Decision 2009/449/EC (i.e., 14 May 2027)	Coordination required with adjacent non-EU country



Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Finland	No  <b>Measures taken:</b> We have not taken any measures yet.  <b>Measures anticipated:</b> We consider to send a consultation letter to the selected operators and ask how they fulfill common conditions.	Yes	✓  Consultation letter to the selected operators.  Time schedule not specified in law	✓  Fines are possible only for CGC. However at the moment no licences are granted for CGCs in Finland.  Fine amounts are not specified in law	✓  Possible for the complementary ground components, but at the moment no licences have been granted in Finland.  Suspension of the MSS satellite component authorization requires the decision of Communication Committee.  Time schedule is not specified in law	<ul style="list-style-type: none"> <li>Radio Frequency Regulation No.4 (revised 20 October 2011) provides general enforcement provisions</li> <li>Act on Radio Frequencies and Telecommunications Equipment provides for fines, revocations; section 36 provides for notices of breach</li> <li>CGC enforcement conditions can be applied to individual rights of use</li> <li>Finland noted that its enforcement tools are limited because it cannot reassign the spectrum to other parties in case of breach of conditions</li> </ul> <p><b>Any necessary further comments on enforcement:</b> None</p> <p>Reference: <a href="http://www.finlex.fi/fi/laki/kaannokset/2001/en20011015.pdf">http://www.finlex.fi/fi/laki/kaannokset/2001/en20011015.pdf</a></p>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Finland	Yes - In national radio table	Implemented through the national radio frequency plan, Radio Frequency Regulation No.4, 4 November 2009, Annex – the two operators selected according to Decision 2009/449/EC are listed in the table by name.

**FINLAND**

## FRANCE

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
France	Yes	Yes temporary IRs to Solaris granted on 22 October 2009; long term IR issued on 16 February 2010)	IR	Authorisations refer specifically to Decision 626/2008/EC	<ul style="list-style-type: none"> <li>Trials for hybrid network in Paris region, four month term, fees of €4,586 and €518 (satellite component - Decision No. 2009-0890)</li> <li>Long term fee of around €15,000 per year</li> </ul>	Long term authorisation to Solaris granted 16 February 2010, term to 12 May 2027	<ul style="list-style-type: none"> <li>MSS required forms specified at <a href="http://www.arcep.fr/index.php?id=8584">http://www.arcep.fr/index.php?id=8584</a></li> <li>Authorised services include multimedia and unicast data, low speed interactive data, high speed interactive data and multimedia (Decision No. 2010 0210)</li> </ul>

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
France	Yes	Yes – temporary IRs to Solaris granted on 22 October 2009 as amended 30 March 2010. New temporary IR for experimental use granted to Solaris on 20 October 2011, for twelve months.	<p>Terms and conditions are based on Decision 626/2008/EC</p> <p>Separate authorisation from MSS</p>	<ul style="list-style-type: none"> <li>Trials for hybrid network in Paris region, 12 month term dependent on Solaris obtaining long term authorisation for MSS component, fees of €12,724 and €50 (CGC component - Decision No. 2009-0891, 22 October 2009)</li> <li>Trial authorisation amended by Decision n° 2010-0389, 30 March 2010, adding additional regional coverage and increasing fee from €12,724 to €16,314</li> <li>New trial authorisation granted to Solaris on 20 October 2011 for twelve months for 6 CGC stations, fees of €19,179 and €300 (Decision No. 2011-1243, 20 October 2011).</li> </ul>	Not yet determined	Decree 2007-1532 of 24 October 2007 and corresponding Arrêté on Fees will be both updated when complete description on intended CGC will be received.

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
France	No  Measures taken:  Measures anticipated:	Yes	✓	✓ Fines amount to 3% of the revenue (5% if repetitive violation) or €150,000 (€375,000 if repetitive); in case of violation of obligations related to coverage: €65 per inhabitant or €1,500 per km <sup>2</sup> or €400,000 per site	✓	General rules on enforcement of conditions and regulations, Article L. 36-11 of the Posts and electronic communications code  Any necessary further comments on enforcement  Legislation is not MSS-specific but general : the basis is Article L.36-11 of Code des Postes et des communications électroniques, which requires ARCEP to notify its finding to the related operator who failed to comply with conditions attached to its authorisation and give him the opportunity to state its view within a reasonable time limit (transposition of Article 10 of Authorisation Directive 2002/20/EC). The French procedure is called "mise en demeure".  For CGC use, nothing can be done without a precise description by the selected operator of the services they intend to provide. As soon as such (if any) description is provided, a public consultation may be needed and launched by ARCEP on conditions that may be attached to CGC licences (including probably CGC fees).

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
France	Yes	Implemented by NRA Decisions, under authority of Code des postes et des communications électroniques, Articles L. 36-7, L. 42-1, D. 406-14 à D. 406-17 ; see also Arrêté of 25 June 2009 amending national frequency table

FRANCE

## GERMANY

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
Germany	Yes	Yes 1 IR to <b>Solaris</b> issued on 27 April 2010; Solaris registered as service provider as of August 2010, Reg-Nr. 09/297  IR to <b>Inmarsat</b> issued on 03 June 2011	IR	Authorisation issued as frequency assignment for MSS and CGC, limited to repeater service – see details under CGC  Conditions for use refer specifically to Decision 626/2008/EC	Fees apply to spectrum use, defined under CGC below	Term of 18 years from Decision 2009/449/EC (specified as 13 May 2027)	

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Germany	Yes	Yes - 1 frequency assignment to <b>Solaris</b> granted 27 April 2010 in response to application filed 15 September 2009	Terms and conditions are based on Decision 626/2008/EC  Authorisation issued as frequency assignment for	<ul style="list-style-type: none"> <li>One-time fee of € 3,000</li> <li>Annual fee under Frequency Fee Ordinance and contribution under Ordinance on Protection of Interference-Free Frequency Usage are yet to be determined</li> </ul>	Term of 18 years from Decision 2009/449/EC (specified as 13 May 2027)	Assumes CGC is repeater function Detailed conditions applied to CGC include: <ul style="list-style-type: none"> <li>CGC “shall use the same direction of transmission and the same portions of frequency bands as the associated satellite components and shall not increase the spectrum requirement of the associated mobile satellite system” – meaning fully flexible/2-way option</li> </ul>

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
		frequency assignment to <b>Inmarsat</b> granted 03 June 2011	MSS and CGC			<ul style="list-style-type: none"> <li>Detailed spectrum mask specifications set in the authorisation</li> <li>Required filing every three months of site-related frequency use parameters for all CGC in operation</li> <li>Coordination required for any CGC operating above specified power level of 24 dBW</li> <li>Coordination required for any CGC operating within the protection zone of 7 earth stations operating in adjacent band 2200 – 2290 MHz</li> <li>Detailed list of site-related CGC operating parameters are specified in authorisation (otherwise no dedicated form)</li> </ul> <p>Secondary conditions include:</p> <ul style="list-style-type: none"> <li>Assignee must meet all milestones of Decision 626/2008/EC and all commitments in application</li> <li>Annual report required on level of MSS development</li> <li>Assignment may be modified to protect adjacent operation or to protect national radio monitoring and inspection service</li> </ul> <p>These conditions are applied to satellite and mobile communications networks under the TKG. See administrative regulations for frequency assignments in satellite communications (VVSatFu)</p>

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Germany	No No Measures taken or anticipated	Yes	The main intention of Germany is that the two operators start the service as soon as possible.  Fines and/or revocation seem not to be the right way to achieve this target.			<ul style="list-style-type: none"> <li>Rules on monitoring and enforcement from Authorisation Directive 2002/22/EC are transferred into Section 126 of German Telecommunications Act (TKG)(not yet applied to any case of spectrum use)</li> <li>Penalties for noncompliance can be applied to a limit of €500,000</li> <li>Section 63 TKG permits revocation of frequency assignment - "A frequency assignment may be revoked where use of the assigned frequency for the intended purpose has not commenced within one year of the assignment or where the frequency has not been used for the intended purpose for more than one year."</li> </ul>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Germany	No (publication under consideration)	Frequency assignment granted under Section 55 of the Telecommunications Act (TKG) of 22 July 2004 (Federal Law Gazette I page 1190)(no specific reference to MSS)

**GERMANY**

**GREECE**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>
							<b>STATUS if pending</b>
Greece	Yes	No	GA for the provision of services. IR for the operation of the MSS network in Greece. Declaration for the CGCs.	Submission of a Registration Declaration for the provision of services. Application for individual right of use. Declaration of CGC's based on the IR issued.	Administrative fee of 440 € submitted with the application for individual right of use and an annual spectrum usage fee of 7,500 € for the individual right of use. Revenue fees also apply.	18 years from the selection decision	

<b>CGC Component</b>						
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued? (Yes/No) Date</b>	<b>Main conditions of CGC authorisations: Common conditions</b>	<b>Main conditions of CGC authorisations: Fees</b>	<b>Main conditions of CGC authorisations: Duration</b>	<b>Other conditions of CGC authorisations</b>
Greece	Yes	No	The CGCs can operate only upon declaration from the individual license holder (i.e. MSS operator) , should not provide any additional services than those provided by the satellite component, should	Annual fee of 30,000 € for every 10 CGCs, regardless whether ten has completed.	Depends on the Individual Right.	Under declaration from the licensed MSS operator in Greece. In repeater mode only. EETT will further investigate the use of 2 GHz spectrum in order additional services to be offered by the CGCs, with respect those offered by the satellite component, when milestones 6-9 have been met and a public consultation with internal market for estimation of the spectrum value have

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
			constitute an integral part of a mobile satellite system and use the same direction of transmission and same portions of frequency bands as the associated satellite components.			been carried out. During the public consultation there was a request for additional services to be provided by the CGCs. EETT will investigate further the request regarding competition with internal market and will define spectrum fees by making the most effective use of the spectrum. A public consultation will also take place.

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Greece	Law 3431/2006	Yes	✓ If EETT finds that an undertaking does not comply with one or more of the conditions of the general authorisation, or of rights of use , it shall notify the undertaking of those findings and give the undertaking a reasonable opportunity to	✓ If the undertaking concerned, does not comply within the above period, the plenary of EETT with a special reasoned decision and after hearing of the undertaking may impose one or more of the following sanctions [see in comments:		Telecommunication Law No 3431/2006 implements the European Commission Directives about Electronic Communications and lays down provisions on enforcement measures which are currently being followed (such as fines, suspension, withdrawals, sanctions etc). EETT notes it has no appropriate monitoring stations for MSS.  a. Paragraph 9 of Article 24 of the national Telecommunication Law No 3431/2006 states that «... The right to use radio frequencies and numbers, not used by the beneficiary for two years from the date that was granted, may be granted again by EETT »  b. The articles 63 “Administrative Sanctions” and 64 “Information” of the national Telecommunication Law No 3431/2006 are the harmonized Articles 10 and 11 of the Directive 2002/20/EC.  Possible sanctions: Financial penalty from 7,000 Euro up to 2,000,000 Euro ; or



Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
			<p>state its views or remedy any breaches within:</p> <ul style="list-style-type: none"> <li>-one month after notification, or</li> <li>-a shorter period agreed by the undertaking or stipulated by the plenary of EETT in case of repeated breaches, or</li> <li>- a longer period decided by the plenary of EETT</li> </ul>			<p>Suspension of withdrawal of the rights of use</p> <p>The decision of the plenary of EETT with the measures and the reasons on which they are based shall be communicated to the undertaking concerned within one week of their adoption and shall stipulate a reasonable period for the undertaking to comply with the measure.</p> <p>If EETT has evidence of a breach of the relevant legal framework, that represents an immediate and serious threat to public safety, public security or public health or will create serious economic or operational problems for other providers or users of electronic communications networks or services, it may take urgent interim measures to remedy the situation in advance of reaching a final decision. Further information are provided in paragraph 4 of article 63 of the Law 3431/2006.</p>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Greece	See attached document with relevant url links.	Telecommunication Law No 3431/2006

GREECE

**HUNGARY**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>
							<b>STATUS if pending</b>
Hungary	Yes – but amendments pending	No	IR, Hungary clarified after several inquiries that IR apply only to MSS earth stations, not to the satellite, and that GA would apply for service.  Licence exemption for terminals	Conditions for use in informative guidelines refer specifically to Decision 626/2008/EC	No frequency usage fee is required for the satellite segment and subscriber equipment	Duration consistent with 18 year term specified in Decision 626/2008 (precise date not specified)	Following elements required for application; 1. Data regarding SML (seat, company registration data, tax number, i.e. VAT number), contact details of its representative (designated contact person for the authority) 2. Planned date of the starting of the provision of the wholesale service; 3. Technical description of the network elements involved in the provision of the wholesale service in Hungary 4. A brief technical and commercial description of the wholesale service to be provided; 5. Descriptions of the interfaces offered to the wholesale partners, with a list of EU and international standards and technical specifications related, including any options used: a) functional description, b) mechanical description, c) electric and electromagnetic description, d) radio interface description 6. Signalling system used

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  <b>STATUS if pending</b>
							<p>(logical and procedural description);</p> <p>7. A brief description of any conditional access systems provided to either customers or wholesale partners.</p> <p>Operators must notify the NRA of the actual date of the commencement of the services (which must start within 180 days from the notification, otherwise the notification will be removed)</p> <p>Requirements are derived from Act C of 2003 on Electronic Communications (see sections 11-12 and 182)</p>

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Hungary	Yes	No	Terms and conditions are based on Decision 626/2008/EC	Individual authorisation procedure comprises two steps, both with fees to be determined: <ul style="list-style-type: none"> <li>a frequency assignment procedure, and</li> <li>the issue of a framework authorisation (radio licence)</li> </ul>	Duration consistent with 18 year term specified in Decision 626/2008 (precise date not specified)	Assumes CGC is repeater function <ul style="list-style-type: none"> <li>Coverage limitation: "The service provider shall be entitled to install and operate</li> </ul>

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
				<p>Frequency usage fee for CGC includes network fee based on bandwidth:</p> <p>7500 HUF / kHz / month x 0.5 x 0,5 (for the 1<sup>st</sup> four year. approximately equal to</p> <p>7500 Ft x 30000 kHz x 0,5 x 0,5 = 56,25 mFt / month in the 1<sup>st</sup> four year,</p> <p>7500 Ft x 30000 kHz x 0,5 = 112,5 mFt /hó (from the 5<sup>th</sup> year.</p> <p>annual in the 1<sup>st</sup> four year: 675 mFt</p> <p>annual from the 5<sup>th</sup> year: 1350 mFt</p>		<p>CGC stations only in the white (uncovered) areas inside the MSS satellite component's footprint."</p> <p>Local presence requirements: "According to Act XXIV of 1988 on the investments of foreign persons in Hungary, non-resident companies [must operate] within the framework of settlement for business purposes"</p> <ul style="list-style-type: none"> <li>Notification of service provision intent must be made to the Hungarian National Media and Infocommunications Authority (NHH) and National Security Special Service</li> </ul>

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Hungary	No Measures taken:	Yes	✓  Not specified by law	✓  See comments	Not specified by law	<p>The NMHH supervises satisfaction of obligations based on its authority set forth in legislation, and may apply sanctions included fines if necessary. In case of severe breach of terms, the Authority shall notify the European Commission."</p> <p>Any necessary further comments on enforcement:</p>

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
	Measures anticipated:					<p>Service provider registration:</p> <ul style="list-style-type: none"> <li>- Solaris (21. 11. 2011.) – The planned starting date of the service: 09. 04. 2012.</li> <li>- Inmarsat (not yet, compliance is under way)</li> </ul> <p>The selected operators had not been started their service by their notification and information, The regulatory authority (NMHH) has legal connection with the selected operators after registration. The legal possibility of any measures opens only after the registered planed starting date of the service.</p> <p>A broad range of fines is provided in ECA section 33. The Authority may impose a fine upon the infringer, the upper limit of which is:</p> <ul style="list-style-type: none"> <li>a) 0.25 per cent of the infringer's turnover for cases of non-compliance with electronic communications regulations, notifications of service providers, standard contract conditions, and for non-compliance with notification requirements; [other higher limits apply for other categories]</li> <li>[...]</li> <li>g) in the absence of any information as to turnover, or if the net turnover had not been disclosed the fine shall be between fifty thousand and one hundred million forints.</li> </ul> <p>In case of repeat offenders, the Authority shall have powers to impose a fine upon the executive officer of the infringing entity in an amount between fifty thousand and three million forints, consistent with the gravity and nature of the infringement and the circumstances of the case.</p> <p>In the case of serious or repeated breach of contract by the client, the Authority may – unless provided otherwise in the public contract – terminate the contract with immediate effect. The Authority:</p> <ul style="list-style-type: none"> <li>a) may order the infringer to publish a notice or the resolution on the home page of its website, or in a press product in the manner and for the period of time specified in the resolution;</li> <li>b) may publish its resolution on establishing the unlawful conduct or the notice contained in the resolution in a daily newspaper of nationwide circulation at the cost of the offender, particularly if it serves the prevention or reduction of serious detriment;</li> <li>c) in the event of any serious and repeated breach of obligation, may suspend the electronic communications service provider's authorization for a period between ten to ninety days, or the licenses for the use of radio frequencies and identifiers;</li> <li>d) in the event of any particularly serious and repeated offense, may prohibit the pursuit of electronic communications activities, and/or the licenses for the use of radio frequencies and identifiers;</li> </ul>

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
						<p>e) may issue an order mandating the sale or the lease of rights to use radio frequencies;</p> <p>f) may order to cease or delay provision of a service or bundle of services which, if continued, would result in significant harm to competition, pending compliance with access obligations imposed following a market analysis;</p> <p>g) shall send a notice on any outstanding frequency charges and fees payable for the use of identifiers, if overdue for more than two months, and shall withdraw the operator's authorizations and licenses (spectrum assignment, radio license, assignment of identifiers) where outstanding frequency charges and fees payable for the use of identifier are overdue for more than three months;</p> <p>Market surveillance and possible penalties for noncompliance are based on ECA section 68</p>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Hungary	Not yet granted	<p>Implemented through the national radio frequency band. See Government Decree No. 346/2004 (XII. 22.) Korm. on the establishment of the national allocation of frequency bands; and Decree No. 7/2011. (X. 6.) NMHH on the rules of the use of frequency bands;</p> <p>Information guidelines issued on 30 November 2009 at <a href="http://www.nhh.hu/index.php?id=dokumentumtar&amp;mid=3466&amp;lang=en">http://www.nhh.hu/index.php?id=dokumentumtar&amp;mid=3466&amp;lang=en</a></p>

HUNGARY

## IRELAND

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
Ireland	Pending	Yes, General Authorisation, Solaris Mobile Limited, August 2011	As proposed in Consultation 09/96, MSS with CGC provider would operate under a General Authorisation, with a Spectrum Right of Use (wireless telegraphy licence) for the CGC and Exemption Order for the Users Equipment	Conditions will include a Schedule to the License or Spectrum Rights of Use as issued, to require milestone compliance (pending September 2010) based on Decision No 626/2008/EC. As per consultation 09/96 Licensees will be required to submit maps of their Coverage over Irish Jurisdiction on an Annual basis. The licensee will be required to conduct a drive test in Years three and twelve, as per Consultation 09/96 to confirm the coverage as shown by the planned coverage maps	As per General Authorisation, percentage revenue above a certain threshold. See <a href="http://www.comreg.ie/fileupload/publications/ComReg03102R.pdf">http://www.comreg.ie/fileupload/publications/ComReg03102R.pdf</a>	As per General Authorisation	Completion of MSS Consultation 09/9, Q1 2012  [Not listed in ComReg Annual Financial Forecast of works in progress Annual Action Plan for 2012]

CGC Component							
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations	
Ireland	Pending	No	Terms and conditions are based on Decision 626/2008/EC	<ul style="list-style-type: none"> <li>Proposed fee spectrum access fees in the range of €1M to €2M per annum (pending September 2010) Scaled pro-rata by population covered, as per Consultation 09/96</li> </ul>	Term proposed as a single licence of 18 years duration, terminating on 13 May 2027, with proposed formal reviews	It is proposed that the CGC must be integral to MSS.  Independent operation of CGC for 18 Months only as	

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
			As proposed in Consultation 09/96, MSS with CGC provider would operate under a General Authorisation, with a Spectrum Right of Use (wireless telegraphy licence) for the CGC and Exemption Order for the Users Equipment	<ul style="list-style-type: none"> <li>Proposed possibility of fee deferral for the first three years with the operator being required to institute a bond,</li> </ul>	of the licence in years three and twelve.	<p>per Article 8 of Decision 626/2008/EC</p> <p>Proposed conditions would require licensee to provide free, "fully operational handset and SIM card to be used by ComReg for independent coverage verification;" and to provide annual coverage maps; and</p> <p>A field survey having specified measurement requirements to be undertaken at the formal review period, or to demonstrate actual compliance with the Common Conditions, as per Consultation 09/96</p>

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Ireland	Yes (planned) Measures taken: None Measures anticipated:	Yes	✓ As per Art. 10 of the Authorisation Directive, and following the procedures	✓ Substantial discretion to High Court to set fines – see comments	✓ S.I. No, 335/2011 Section 17(2) provides 28 day notice	<p>Specific monitoring and enforcement conditions to be included in CGC licence, as detailed above (see Consultation 09/96)</p> <p>Regulator can enforce conditions in General Authorisations under European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2011 (S.I. No. 335 of 2011). If Regulator finds non-compliance, it can seek enforcement action by the High Court, per section 16(6)</p> <p>Individual licensing subject to Wireless Telegraphy Act, 1926, as amended; typically provisions for enforcement will be set forth in statutory instrument specific to the service involved. Communications</p>



Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
	On commencement of CGC Licensing Regime the actual coverage of both operators systems will be confirmed.		detailed in Decision 2011/667/EU S.I. No. 335/2011 Section 16(3) provides for response by operator "within a reasonable time limit"		and opportunity to cure; timing can be varied;	<p>Regulation Act 2006 gives the NRA enforcement powers, including giving notice of breach (Art. 44) and fines (Art. 45 – 46)/</p> <p>Timings as per Decision 2011/667/EU</p> <p>Sec. 8(8) In proceedings for an offence under S.I. No. 335/2011 it is a defence to establish that—</p> <p>(a) reasonable steps were taken to comply with the relevant condition or conditions, or</p> <p>(b) it was not possible to comply with the relevant condition or conditions.</p> <p>Sec. 16(d) In deciding what amount, if any, should be payable, the High Court shall consider the circumstances of the non-compliance, including—</p> <p>(i) its duration,</p> <p>(ii) the effect on consumers, users and other operators,</p> <p>(iii) the submissions of the Regulator on the appropriate amount, and</p> <p>(iv) any excuse or explanation for non-compliance.</p> <p><b>Any necessary further comments on enforcement:</b> None</p>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Ireland	MSS, GA Granted to Solaris Mobile Limited. CGC Not yet granted	<p>Authorisation Regulations established under European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations 2011, SI No. 335 of 2011</p> <p>Spectrum Right of Use (wireless telegraphy licence) for the CGC to be issued under the Wireless Telegraphy Act 1926.</p> <p>User Equipment Exempted from Licensing under the Wireless Telegraphy Act 1926.</p>

## IRELAND

## ITALY

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
Italy	Yes	Yes 20 October 2010 IR to Solaris	IR	Legislative Decree 1 August 2003, No 259 - Electronic Communications Code, Arts. 25-35	Individual rights: €22,200.00 per year (bandwidth over 10 MHz)  Administrative fee: €2,220.00 up to 10 CGCs €5,550.00 up to 100 CGCs €11,100.00 for >100 CGCs  Legislative Decree 1 August 2003, No 259 - Electronic Communications Code, Annex 10, Arts.1(d)-2(12)	According to 2009/449/EC of 13 May 2009: up to 12 May 2027	no specific regulations in place

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Italy	Yes	Yes 20 October 2010 along the authorisation to Solaris, subject to prior notification of site, technical specs and type of service	Legislative Decree 1 August 2003, No 259 - Electronic Communications Code, Arts. 25-35	If CGCs are just gap-fillers, they are included in the yearly fee of the satellite segment.  If CGCs are envisaged as an independent terrestrial network: yearly fee of €7,216,171.00 per bidirectional 5 MHz block plus a fee proportional to the "geographic extent/number of users" of the network, ranging €11,100.00-66,500.00  Legislative Decree 1 August 2003, No 259 - Electronic Communications Code, Annex 10, Arts.1-2(14)	According to 2009/449/EC of 13 May 2009: up to 12 May 2027	

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Italy	No <b>Measures taken:</b> None  <b>Measures anticipated:</b> None	Yes	Notified to the operator with intimation of stopping the breach and recover the situation within one month (or less in case of seriousness). The Operator can forward written justifications.	Some examples: Installation of an antenna without notice: €5,000-250,000 Service offered not in accordance to that declared: €1,500-58,000 Disobey admonitions: €12,000-250,000	If an operator breaches more than two times in five years, a suspension up to 6 months or a revocation can be adopted.  If the breach is of particular seriousness, urgent temporary measures can be adopted and then confirmed or not.	Legislative Decree 1 August 2003, No 259 - Electronic Communications Code, Art.32 provides for enforcement, Art.98 for penalties <b>Any necessary further comments on enforcement</b>  IT Ministry has 16 Inspectorates and other detached offices on the territory. They are in charge of monitoring installations and services from a technical point of view. They notify the Ministry in case of breach.  Penalties can be of financial (up to €250,000.00) and/or criminal type (up to 3 years of jail).

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Italy	Yes	Legislative Decree 1 August 2003, No 259 - Electronic Communications Code.

ITALY

## LATVIA

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
Latvia	Yes	No The Public Utilities Commission (PUC) received application from Solaris on 05.05.2011. Accordingly to our legislation PUC can't issue an authorisation, because operator must register in The Merchants Register of Latvia and only after that PUC will register Solaris in The Electronic Merchants Register of Latvia.	IR The Public Utilities Commission has approved rules on rights of use for spectrum ( <a href="http://www.sprk.gov.lv/index.php?id=9574&amp;sadala=197">http://www.sprk.gov.lv/index.php?id=9574&amp;sadala=197</a> );	Terms and conditions will be based on Decision 626/2008/EC and included in Latvian regulation after an MSS operator submits an application	No application fee; subsequent annual administrative fee is 0.17% of annual turnover for regulated public services (voice telephony, data services etc.)	Main conditions will be in accordance with Decision 626/2008/EC	PUC assigns rights of use for radio spectrum after European Commission has notified the winners of MSS (2009/449/EC); 2-3 page form is set forth in Rules for spectrum usage rights, cited below

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Latvia	Yes Cabinet Decision Nr. 453	No The Public Utilities Commission (PUC) received application from Solaris on 05.05.2011. Accordingly to our legislation PUC can't issue an authorisation, because operator must register in The Merchants Register of Latvia and only after that PUC will register Solaris in The Electronic Merchants Register of Latvia.	Electronic Communications Office (www.esd.lv) is responsible for CGC authorization but there is no operator plan so far to operate CGC in Latvia.	Specified in Cabinet of Ministers decision Nr. 259, 16 March 2010 (entry into force 31 March 2010). Section II, Art. 2.21 specifies 386.68 Ls / month / 2 x 1 MHz = €6.54K annually	Main conditions will be in accordance with Decision 626/2008/EC	Other conditions will be in accordance with Decision 626/2008/EC

## LATVIA

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Latvia	No  Measures taken:  Measures anticipated:	Yes	✓	✓	✓	<p>In the absence of any MSS / CGC application, Latvia has not yet developed legal measures how to impose sanctions in case of non-compliance with the terms and conditions of MSS / CGC authorizations; enforcement for individual rights of use is provided under Rules for spectrum usage rights, Latvian Journal, Nr.53 (4245), 01 April 2010, effective from 2 April 2010, enforcement provisions in Part IV</p> <p>Law On Regulators of Public Utilities 2000, as amended, gives independent regulators authority to revoke licenses, Art. 18(3) and issue notices of breach, Art. 18(4).</p> <p>An authorization can be revoked under Art 18 (4) after a written warning notice at least 30 days previously regarding amendments to licence conditions.</p> <p>Under Art. 18(5) A regulator shall give a provider of public utilities a written warning notice at least three months previously regarding cancellation (revocation) of a licence.</p> <p>Reference at <a href="http://www.sprk.gov.lv/index.php?id=1113&amp;sadala=191">http://www.sprk.gov.lv/index.php?id=1113&amp;sadala=191</a></p> <p>NRA comments on difficulty of imposing sanctions to an undertaking that 1) is not authorized in the country as a tax payer, 2) is not authorized as a electronic communications service provider and 3) conducts no activity in the territory of Latvia.</p> <p>Any necessary further comments on enforcement: None</p>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Latvia	Not yet granted	Rules for spectrum usage rights, Latvian Journal, No.53 (4245), 1 April 2010, effective from 2 April 2010, specific reference to MSS in section 12 See also 6 June 2006 Cabinet of Ministers Regulations Nr. 453 "Regulations on the radio frequency assignment use permits"; and Public Utilities Commission, 6 August 2011 decision Nr.1/7, "rules for spectrum usage rights" issued under the Electronic Communications Act

## LATVIA

**LITHUANIA**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>  <b>STATUS if pending</b>
Lithuania	Yes	Yes  Solaris notified commencement of activities	GA  IR for E-S link  Frequencies assigned to operators on the basis of D 626/2008/EC	in accordance with Decision 626/2008/EC	<ul style="list-style-type: none"> <li>• Fee of €4,100/MHz per year for nationwide coverage for the E-S link</li> <li>• Fees established by amendment to schedule of fees, based on algorithm using km2 covered (see item 4.5.3.in fee table)</li> </ul>	In accordance with Decision 626/2008/EC	

<b>CGC Component</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued? (Yes/No) Date</b>	<b>Main conditions of CGC authorisations: Common conditions</b>	<b>Main conditions of CGC authorisations: Fees</b>	<b>Main conditions of CGC authorisations: Duration</b>	<b>Other conditions of CGC authorisations</b>	
Lithuania	Yes	No	will be defined after the presentation to administration the required technical characteristics of CGC	Fee of € 4100/MHz per year for nationwide coverage; fees established by amendment to schedule of fees, using algorithm based on km2 covered (see item 4.5.2.in national fee table). Certain technical details must be determined after application in order to deal with non-EU cross-border coordination.	Same as for Satellite component	Assumes CGC is repeater function	

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Lithuania	No  Measures taken: Not taken yet.  Measures anticipated: Breach notice	Yes	✓  Article 72  Notice and opportunity to cure within 30 days	✓  Articles 74, 75, 76  See comments for amounts	✓  Article 72 Notice and opportunity to cure within 30 days	Covered in Law on Electronic Communications, Law/IX-2135/2004 04 15/ as amended, see Article 58 and Chapter 10 as well as in rules of radio frequencies(channels) assignment and use /1V-854/200510 06/. <a href="http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc?p_id=242679">http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc?p_id=242679</a>  <a href="#">Art. 74 concerning fines:</a>  1. the Communications Regulatory Authority shall have the right to impose a fine of up to 3 % of the annual gross income from activities associated with electronic communications, and if it is difficult or impossible to calculate the volume of such activity – a fine of up to LTL 300,000.  2. In case where an undertaking commits a repeated or serious infringement referred to in paragraph 1, the Communications Regulatory Authority shall have the right to impose a fine of up to 5 % of the annual gross income from activities associated with electronic communications, and if it is difficult or impossible to calculate the volume of such activity – a fine of up to LTL 500,000.  3. Where the annual gross income referred to in paragraphs 1 and 2 above is less than LTL 300,000, a fine of up to LTL 10,000 shall be imposed, while in the case of a repeated or serious infringement – up to LTL 20,000.   The Decision 2011/667/EU will be implemented by amending the <a href="#">Rules for the Assignment and Use of Radio Frequencies/Channels</a> in the second quarter of 2012.

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Lithuania	MSS Public. CGC not yet granted	Implemented through the national radio frequency plan, adopted 25 June 2006, No. 1V-797 (see paragraphs 298 and 303 Fees established in No. 1V-367, 2011-04-07, Official Gazette 2011, no. 45-2148 (2011-04-07)

## LITHUANIA



## LUXEMBOURG

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
Luxembourg	Yes	None required for spectrum use Service declaration done under "Loi du 27 février 2011 sur les réseaux et les services de communications électroniques".	None required for the satellite component	Frequencies are reflected in "Plan des Frequences" with reference to Decision 2007/98/EC  General conditions according to the "Loi modifiée du 30 mai 2005 portant organisation de la gestion des ondes radioélectriques", are applicable.	For satellite and terminal components no spectrum fees are applicable for the time being.  For 2012 an annual fee, linked to the declaration of service, of 0.9% of revenue and €2,500 if revenues above 300,000. (Règlement 11/159/ILR of 1 December 2011)		Terminal equipment must be compliant with R&TTE directive (references: EN302574 and EN 301442) [R&TTE requirement is a general rule in all Member States, which we do not repeat in each entry]

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Luxembourg	Yes	No	Frequencies are reflected in "Plan des Frequences" with reference to Decision 2007/98/EC  General conditions apply under the "Loi modifiée du 30 mai 2005 portant organisation de la gestion des ondes radioélectriques"  Relevant content of EC decisions will be included in license.	Règlement grand-ducal du 7 avril 2011 portant modification du règlement grand-ducal modifié du 25 septembre 1998 fixant le montant et les modalités de paiement des redevances pour l'établissement et l'exploitation de réseaux et/ou de services de télécommunications  only repeater mode; interpreted, however, to permit interactive service.	Will be issued based on 18 year requirement	

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Luxembourg	No	Yes	✓ At least one month to remedy the situation or formulate remarks, shorter if the operator agrees and if infringement is repetitive	✓ The maximum fine may amount to €1,000,000 and may be doubled in case of repetitive infringements	✓ Time schedule not precised	General enforcement rules in Loi du 27 février 2011 sur les réseaux et les services de communications électroniques – see Title XII “Sanctions;” also see Art. 15 on notice of breach of conditions and general enforcement rules in Art. 9 of Loi modifiée du 30 mai 2005 portant organisation de la gestion des ondes radioélectriques

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Luxembourg		Loi du 27 février 2011 sur les réseaux et les services de communications électroniques Loi modifiée du 30 mai 2005 portant organisation de la gestion des ondes radioélectriques

## LUXEMBOURG

**MALTA**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>
							<b>STATUS if pending</b>
Malta	Yes	No The Individual Rights of Use have been prepared and submitted to the satellite operators for their comments. It is expected that the licences will be granted by end December 2011. (subsequent action not confirmed)	IR for spectrum, GA for services	Terms and conditions in accordance with Decision 626/2008/EC	Spectrum fees: <ul style="list-style-type: none"> <li>• One time administrative fee: €2,000</li> <li>• Annual fee: €1,000</li> </ul> GA fees: <ul style="list-style-type: none"> <li>• Established under the <a href="#">8<sup>th</sup> Schedule, Part A of S.L.399.28</a></li> </ul>	The Individual Rights of use will be valid for a period of 18 years commencing from 13 May 2009.	Other Requirements: <ul style="list-style-type: none"> <li>• MSS operators will be required to notify the provision of electronic communication services under a general authorisation (GA) regime. The GA notification form is available <a href="#">here</a>.</li> <li>• To obtain relevant authorisations, the operators would need, as a minimum to be registered as an overseas company in accordance with Maltese Law. EC Act sec. 47 gives broad Ministerial authority to set conditions and regulations</li> </ul>

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Malta	No	No	Internal procedures underway Expected to be IR for spectrum use	<ul style="list-style-type: none"> <li>CGC spectrum fees not yet determined</li> <li>GA fees for the provision of electronic communications network / services are set in the 8<sup>th</sup> Schedule to Electronic Communications Networks and Services Regulations (<a href="#">S.L.399.28</a>)</li> </ul>	Not yet determined	Not yet determined

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Malta	Yes <b>Measures taken:</b>  <b>Measures anticipated:</b>	Yes	✓  See comments for time schedule of 15 days' notice	✓ EC Act sec. 31 provides not less €300 and not more than €10,000 in respect of each apparatus in any offence. See also comments	✓	<p>Malta Communications Authority Act (Chapter 418 of the Laws of Malta), Part VII, "Enforcement and Sanctions" details the main provisions relating to enforcement, the procedure to be followed and NRA powers.</p> <p>Sec. 32(1) The Authority shall before proceeding to take any of the measures under article 31 write to the person concerned, warning him of the measure that may be taken and the specific reason why it may be taken, requiring him to cease or rectify his acts or omissions and, or to make his submissions thereto within such period not being less than fifteen days</p> <p>Sec. 33(1) provides generic fine levels as follows: "An administrative fine imposed shall not, unless provided otherwise by or under this Act, exceed [€349,406] for each infringement or failure to comply and, [€11,646.86] for each day of infringement or non-compliance as the case may be...."</p> <p>Reference: <a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=8884&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=8884&amp;l=1</a> See also Electronic Communications (Regulation) Act</p> <p>Reference: <a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=8866&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=8866&amp;l=1</a></p> <p>The pending licence to be granted to MSS operators will also contain provisions concerning enforcement, giving the NRA the right to terminate the licence or impose administrative fines if any of the conditions laid down at law, in the licence or in Commission Decision 2009/449/EC is not observed.</p> <p><b>Any necessary further comments on enforcement:</b> None</p>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Malta	Not yet granted	Malta Communications Authority Act (Chapter 418 of the Laws of Malta) ( <a href="#">Chapter 418 of the Laws of Malta</a> ) Electronic Communications (Regulation) Act ( <a href="#">Chapter 399 of the Laws of Malta</a> ) Electronic Communications Networks and Services (General) Regulations ( <a href="#">S.L.399.28</a> ) Authorisation of Frequency Use (Provision of 2GHz Mobile Satellite Services) Regulations ( <a href="#">S.L.399.44</a> )

**MALTA**

## NETHERLANDS

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
Netherlands	No	Yes [Solaris – December 2011]	GA	Terms and conditions in accordance with Decision 626/2008/EC	No fees applicable	Terms and conditions in accordance with Decision 626/2008/EC	No other conditions

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Netherlands	Yes	No, application requests not yet received from operators	[document]	"information on fees and charges is available" in correspondence to operators [see annexed information]	Terms and conditions in the license are in accordance with Decision 626/2008/EC	

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Netherlands	No  Measures taken:  Measures anticipated:	Yes	✓  Time schedule – notice given with response	✓  Fines up to €450,000 or 10% of turnover, depending	✓  Time schedule – notice given with response	"View of the Dutch administration on sanctions ... depends on the outcome of the EC / COCOM discussion in Brussels"  General sanctions are provided under the Telecommunications Act 1998 as amended in 2004; registrations can be cancelled under Article 2.2.4; general enforcement powers are provided under Chapter 15.  Any necessary further comments on enforcement: None

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
			due within a "reasonable time"	on circumstances	due within a "reasonable time"	

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Netherlands	Not yet granted, no application requests received from operators	Generally in accordance with the Decision 626/2008/EC, TITLE III, article 7 and in accordance with the Dutch Telecommunication Act and the 'National Frequency Plan'.

## THE NETHERLANDS

**POLAND**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>
							<b>STATUS if pending</b>
Poland	Yes	So far, Polish NRA has obtained no application from MSS operators	General Authorisation	Entry into Register of telecommunication operators held by the President of Office of Electronic Communications (UKE)	Fees are imposed only for CGC part	In accordance with Commission Decision 626/2008/EC	Currently NRA does not plan to launch public consultations

<b>CGC Component</b>						
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued? (Yes/No) Date</b>	<b>Main conditions of CGC authorisations: Common conditions</b>	<b>Main conditions of CGC authorisations: Fees</b>	<b>Main conditions of CGC authorisations: Duration</b>	<b>Other conditions of CGC authorisations</b>
Poland	Yes	So far, Polish NRA has obtained no application from MSS operators	Technological and service neutrality allowed Application should contain detailed description of planned network(s)	CGC fees are based on each earth station, at charge of administrative charge of €400 and annual €2,500, provided that CGC station will operate only as a repeater  In case of technological and service neutrality in CGC decisions, annual fees are determined as follows : 1. For using one duplex channel 2x1 MHz in nation-wide mobile network – 154 875 PLN (€35,198) 2. For using one duplex channel 2x1 MHz in local mobile networks – 125 PLN (€28.4) for each community within coverage  Imposing a fee calculated in accordance with point 1 or point 2 depends on detailed description of planned network(s)  Poland takes the position that its "regulatory environment on MSS authorisations should be classified as technology and service neutral. The difference in level of annual fees for using CGC	10 years, may be prolonged	



CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
				component, between broadcasting service and mobile service, has no impact on neutrality. It's up to MSS operator, if he is willing to operate CGC stations as a non – repeaters or as repeaters for two-way mobile communication and the only condition is fulfillment of the rules imposed by EC Decisions and national law. In that case, it is clearly recognized in all Member States that operating in the broadcasting service is significantly less expensive when talking about annual fees, than deploying a mobile network."		

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Poland	No So far no measures taken	Yes	30 days to formulate remarks or remedy the situation	3% of the annual revenue or 500,000 PLN (€115,000)	Not specified	Telecommunications Law of 16 July 2004 provides for revocation of spectrum licences for non-compliance, Arts. 123 and 147; notice of breach provisions are in Art. 201; the possibility of fines is provided in Arts. 209 – 210

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Poland		Generally Telecommunications Law of 16 July 2004; ordinance may be adopted for specific MSS service

## POLAND

## PORTUGAL

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations
Portugal	Yes	No	Individual rights of use	Those defined in article 7, ner 2 of Decision 626/2008/EC	<p>1. A one-off administrative fee in the amount of € 1, 000;</p> <p>2. An annual fee based on the relevant revenues directly connected to the pursue of the activity achieved in the previous calendar year as declared by the MSS operators upon request of ANACOM</p> <p><a href="http://www.anacom.pt/streaming/Final_decision10112011_MSS2G2011.pdf?contentId=1105638&amp;field=ATTACHED_FILE">http://www.anacom.pt/streaming/Final_decision10112011_MSS2G2011.pdf?contentId=1105638&amp;field=ATTACHED_FILE</a></p>	Until 14 May 2027 (18 years from Decision 2009/449/EC)	<a href="http://www.anacom.pt/streaming/Final_decision10112011_MSS2G2011.pdf?contentId=1105638&amp;field=ATTACHED_FILE">http://www.anacom.pt/streaming/Final_decision10112011_MSS2G2011.pdf?contentId=1105638&amp;field=ATTACHED_FILE</a>

CGC Component							
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations	
Portugal	Yes	No	Those defined in article 8, ner 3 of Decision 626/2008/EC	<p><a href="http://www.anacom.pt/streaming/Final_decision10112011_MSS2G2011.pdf?contentId=1105638&amp;field=ATTACHED_FILE">http://www.anacom.pt/streaming/Final_decision10112011_MSS2G2011.pdf?contentId=1105638&amp;field=ATTACHED_FILE</a></p> <p><b>Fee per CGC: € 21 978 (ner 1.6.3.2 of Administrative Rule Ner. 1473 -B/2008, of 17 of December 2008, as amended by Administrative Rule Ner. 291-A/2011, of 17 December 2008:</b></p> <p><a href="http://www.anacom.pt/render.jsp?contentId=1104871">http://www.anacom.pt/render.jsp?contentId=1104871</a>)</p>	Until 14 May 2027 (18 years from Decision 2009/449/EC)	<a href="http://www.anacom.pt/streaming/Final_decision10112011_MSS2G2011.pdf?contentId=1105638&amp;field=ATTACHED_FILE">http://www.anacom.pt/streaming/Final_decision10112011_MSS2G2011.pdf?contentId=1105638&amp;field=ATTACHED_FILE</a>	

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Portugal	No  Measures taken:  Measures anticipated:	Yes  None  None	✓  Timing not set by law – see comments	✓  Very broad range - see comments	✓  Timing not set by law – see comments	<p>Decree-Law No 151A/2000 of 20 July 2000, on licensing of radiocomm stations, as amended, provides for fines and possible licence suspension in Art. 25. General authority to apply penalties is provided in Law no. 99/2009, of 4 September 2009 on administrative offences, including notice of breach in Art. 15</p> <p><b>Any necessary further comments on enforcement:</b> None</p> <p>Fines are based on size of offender and nature of offense. Art. 7(2) provides for minor offenses:</p> <p>d) If committed by a medium-sized enterprise, minimum fine of €500 and maximum fine of €20 000;</p> <p>e) If committed by a large enterprise, minimum fine of (Euro) 1000 and maximum fine of (Euro) 100 000.</p> <p>Art. 7(3) provides for serious offenses:</p> <p>d) If committed by a medium-sized enterprise, minimum fine of €1000 and maximum fine of €50 000;</p> <p>e) If committed by a large enterprise, minimum fine of €2500 and maximum fine of €1 000 000</p> <p>See also Art. 8(4):</p> <p>The penalty payment shall be set based on criteria of reasonableness and proportionality, in the light of the offender's turnover in the preceding calendar year and the injurious impact on the market and users of the failure to fulfil the duty, subject to a daily amount between €2000 and €100 000.</p> <p>Art. 15 (1) – "Where a less serious infringement is at stake, consisting of a remediable deficiency which caused no significant damage, ICP- ANACOM is entitled to warn the offender [...] indicating the infringement committed, the recommended measures to remedy the situation and the deadline for compliance."</p> <p>See also Art. 21 – Simplified procedure – essentially providing for admission of guilt: "defendant shall be notified of the decision and informed that it is entitled to reject it, within a five-day time limit"</p> <p>See also Article 31, Penalty suspension</p> <p>(1) - ICP-ANACOM is entitled to suspend the application of penalties where, on the basis of the conduct of the agent, previous or subsequent to the infringement, and the circumstances of the latter, it concludes that simple reproach of the act and threat of sanction achieve in an appropriate and sufficient manner the objectives of the penalty.</p> <p>(2) - The suspension may be subject to compliance with specific obligations, namely those deemed to be necessary to correct any illegal situations.</p> <p>(3) - The time of suspension shall be set between two and five years, starting from the date on which expires the deadline to challenge the conviction in court.</p>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Portugal	Not yet granted	<ul style="list-style-type: none"> <li>▪ Law Ner. 5/2010, of 10 February 2004, as amended by Law Ner. 51/2011 of 13 September 2011;</li> <li>▪ Decree-Law Ner 151A/2000, of 20 July 2000, as amended by Decree-Law Ner 264/2009 of 28 September 2009;</li> <li>▪ Administrative Rule Ner. 1473 -B/2008, of 17 of December 2008, as amended by Administrative Rule Ner. 291-A/2011, of 17 December 2008;</li> <li>▪ Law Ner. 99/2009, of 4 September 2009;</li> <li>▪ ANACOM's Decision of 10 November 2011:  <a href="http://www.anacom.pt/streaming/Final_decision10112011_MSS2G2011.pdf?contentId=1105638&amp;field=ATTACHED_FILE">http://www.anacom.pt/streaming/Final_decision10112011_MSS2G2011.pdf?contentId=1105638&amp;field=ATTACHED_FILE</a> </li> </ul>

**PORTUGAL**

## ROMANIA

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
Romania	Yes	No	IR	Terms and conditions are in accordance with Decision 626/2008/EC	Fee for MSS satellite licence is € 3,600 annually (based on general tariff regulation, chapter 6, item 2.3)	According to article 7(2)(e) of Decision 626/2008/CE of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services, the specific duration period for the usage of radio frequencies is subject to common conditions. Licence term is 18 years calculated from the date of the selection decision (Decision 2009/449/EC).	No

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Romania	Yes	No	Terms and conditions are in accordance with Decision 626/2008/EC  First there is the need to be licensed as MSS operator according to	<ul style="list-style-type: none"> <li>• Fee of € 240,000 per year per 2 x 1 MHz national coverage; € 60,000 for 1 MHz unpaired band</li> <li>• Proportionate adjustments to fee will be made for use of bandwidths in increments greater / smaller than 1 MHz</li> </ul>	According to article 8(3) of Decision 626/2008/CE, authorisation issued for CGC shall be subject to common conditions. According to specific provision (please be aware of 8(3)(d) the rights of use and authorisations shall be granted for a	CGC is a terrestrial mobile network

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
			with Decision 626/2008/EC. There is no limit of the base stations to be placed.		period of time ending no later than the expiry of the authorisation of the associated mobile satellite system.  In this context you have to calculate the specific period for CGC in relation with MSS authorisation.	

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Romania	No  Measures taken:  No  Measures anticipated:  No, because Romania isn't "authorising Member State" having in mind definition adopted in article 2(2) of Commission Decision 2011/667/EU.	Yes	Government Emergency Ordinance no. 111/2011 establishes in article 141(1) that in the event of discovering the failure of a provider of electronic communications networks or services to comply with one of the obligations mentioned in national legislation in force in electronic communication sector or in individual authorisation documents, or retain in the European regulations, ANCOM, in accordance with its competences, and before applying the sanction shall send the respective provider a notification about the breach and the sanction applicable, giving a deadline in order to formulate an opinion. ANCOM may, according to article 146 paragraph 1, apply the sanction mentioned in article 143 paragraph 1 (fines) even if the breach was remedied.  ANCOM may impose, according to	ANCOM may, according to article 146 paragraph 1 of Government Emergency Ordinance no. 111/2011, apply fines, mentioned in article 143 paragraph 1, even if the breach was remedied, but only after the deadline offered in order to formulate an opinion. The fines are set out in article 143 of Government Emergency Ordinance no. 11/2011. According to article 151. ANCOM may oblige the providers of electronic communications networks or services to pay administrative fines in order to determine them to: a) fully and accurately provide the information they were requested;	In accordance with article 147 of Government Emergency Ordinance no. 111/2011, in case of serious and repeated breaches of the obligation mentioned in art. 141 paragraph 1 ANCOM may suspend or withdraw: a) the right to provide electronic communications networks or services on the basis of the general authorisation; b) the right of use of numbering resources, technical resources or radio frequencies, as the case may be.  Another case of suspension/revocation of right of use of radio frequencies is mentioned in article 148 of the Government Emergency Ordinance no. 111/2011. According to this article, ANCOM may suspend or withdraw the	Government Emergency Ordinance no. 111/2011, published in Official Journal, Part I, no. 925/27 December 2011

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
			<p>article 149 of Government Emergency Ordinance no. 111/2011:</p> <p>a) cessation of the breach within reasonable time period, and any other measure necessary to ensure cessation of the breach and remedy the situation; The measures will be adequate and proportional with the breach and will stipulate a reasonable period for the undertaking to comply with the measure impose by ANCOM.</p> <p>b) suspension or delay provision of a service or bundle of services which, if continued, would result in significant harm to competition, pending compliance with access obligations imposed.</p> <p>In any case, ANCOM follow the principles established in article 10 of Authorisation Directive and follow closely the rules mentioned in Commission Decision 2011/667/EU.</p>	<p>b) submit to the control; c) comply with the measures taken by ANCOM in the application of the provisions of the Emergency Ordinance.</p> <p>The draft of the transposition act of the Directive no. 2009/140/EC provides in article 151 that ANCOM may oblige the providers of electronic communications networks or services pay administrative fines concerning:</p> <p>a) fully and accurately provide the information they were requested; b) respect public information rules, perform security audit or transmit the results of the security audit; c) submit to the control; d) respect transparency rules; e) comply with the measures taken by ANCOM.</p>	<p>license for the use of radio frequencies if a provider fails to pay the tariff for the use of frequency spectrum, within 45 days from the due date.</p>	

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Romania	Yes, but only on specific request	Law no. 544/ 2001 on freedom of access to public information (Note: The Law no. 544/2001 is mentioned here only in order to respond at the question related to public information on MSS or CGC authorisation, if this is the case).

## ROMANIA

## SLOVAK REPUBLIC

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
Slovakia	Yes National Frequency Allocation Table, Act No. 351 of 14. September 2011 on Elec. Communications	No	<ul style="list-style-type: none"> <li>Satellite component – not subject to authorisation</li> <li>GA - Operation of user terminals is permitted by GA VPR–41/2011 from December 2011</li> </ul>	<ul style="list-style-type: none"> <li>(Formal) application for authorisation of MSS operator</li> <li>Notification obligation required before start of providing services and networks under GA VP-01/2008 (<a href="http://www.teleoff.gov.sk/index.php?ID=1468">http://www.teleoff.gov.sk/index.php?ID=1468</a>),</li> <li>form at (<a href="http://www.teleoff.gov.sk/index.php?ID=26">http://www.teleoff.gov.sk/index.php?ID=26</a>, item – “<a href="#">Splnenie povinnosti (poskytovanie sietí a služieb)</a>“)</li> <li>VPR–03/2010 for user terminals does not refer specifically to Decision 626/2008/EC</li> </ul>	<ul style="list-style-type: none"> <li>One-off payment for allotment or allocation frequencies 12 456 315 Euros per 2x15 MHz and up to May 2027</li> <li>Satellite Component is not subject to fees</li> <li>0.08% of annual sales for providing services and networks under GA VP-01/2008</li> <li>Administrative fee (stamp) for each authorization is 6,5 Euro</li> </ul>	May 2027	



CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Slovakia	Yes	No	IR	<ul style="list-style-type: none"> <li>Operation fee for each CGC in repeater mode is 955 Euros</li> <li>Administrative fee for each authorization is 6,5 Euro</li> </ul>	Same as MSS licence duration (May 2027)	

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Slovakia	Act No. 351 of 14 September 2011 on Electronic Communications: paragraph 34 (deprivation license)	Decision 626/2008/EC	✓ Note defined by law – see comments	✓ Maximum of €300,000 – see comment	✓ Not defined by law	<p>The issue of sanctions in general is covered by Part Six – Administrative Torts, Part SEVEN, SANCTIONS, Section 73 of Act No. 351 of 14 September 2011</p> <p>General enforcement provisions are covered by Act No. 351 of 14 September 2011 on Electronic Communications; Chap. 5 “Supervision,” includes provisions for notice of breach in Art. 34(3), and suspension of licenses</p> <p>Reference: <a href="http://www.teleoff.gov.sk/data/files/22211.pdf">http://www.teleoff.gov.sk/data/files/22211.pdf</a></p> <p><b>Any necessary further comments on enforcement:</b> None</p> <p>See Art. 34(3) - The Office shall withdraw the individual authorisation or the allocated frequency if: a) the holder of the individual authorisation has not started using the allocated frequency for the permitted purpose or in the defined territorial extent within six months from the date of validity of the decision on the allocation [...]</p> <p>c) the holder of the individual authorisation does not fulfil the obligations under this Act or defined in the individual authorisation although he was warned in advance of the possibility to have withdrawn the authorisation and has not applied remedy in the period defined by the Office,</p> <p>Maximum fines are established by combination of Art. 73 (Sanctions) by cross reference to Art. 32</p>

<b>Legal References</b>		
<b>Member State</b>	<b>MSS / CGC Auth. Public?</b>	<b>National legal reference</b>
Slovakia	Not yet granted	National Frequency Allocation Table; See also Act No. 351 of 14 September 2011 on Electronic Communications: <ul style="list-style-type: none"><li>• paragraph 13 and 15 (provision of networks and services)</li><li>• paragraph 36 sections 3 (permissions for operation of radio facilities)</li><li>• paragraph 14 (general authorisation)</li><li>• paragraph 32 and 34 (individual authorisation),</li></ul>

**SLOVAK REPUBLIC**

## SLOVENIA

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
Slovenia	Yes	Yes -- licences issued effective 8 October 2009 to Inmarsat and Solaris	IR  Terminal exempt from licensing	<ul style="list-style-type: none"> <li>Issued as radio frequencies</li> <li>Conditions for use refer specifically to Decision 626/2008/E</li> </ul>	Fee for CGC only	Licence term goes to 8 October 2027 (18 years from grant)	

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
Slovenia	Yes	No		<p>Article 56, Electronic communications act, Official Gazette RS 13/07-UPB1, 102/07-ZDRad, 110/09, 33/11)</p> <p>Article 13 of the Rules on the method of calculation of payments upon notification, for the use of radio frequencies and for use of numbering resources (Official Gazette RS 118/04, 90/05, 22/07, 46/10, 35/11 and 78/11)</p>	Duration is up to applicant request, but cannot be more than the end of MSS grant.	Procedure defined in Art. 38, Electronic Communications Code

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Slovenia	Art. 36a (4) Electronic Communications Act <b>Measures taken: NO</b>  <b>Measures anticipated: In accordance with Decision 2011/667/EU</b>	Yes  Art. 141 (2)	✓  Art. 144 (1) Notice given of 30 days except in case of repeated breach – decision required within 8 days	✓  Art.152 (1/22.) (€50K – €400K)	✓  Art. 54 (5) No time schedule set by law – note comments	General sanctions set forth in Electronic Communications Act; Reference: <a href="http://mid.gov.si/mid/mid.nsf/V/KA0E6FADE1BF5BBFAC1256EA50054D399/\$file/Electronic_Communications_Act_May04.pdf">http://mid.gov.si/mid/mid.nsf/V/KA0E6FADE1BF5BBFAC1256EA50054D399/\$file/Electronic_Communications_Act_May04.pdf</a>  Art. 55 provides (1) Decisions on the allocation of radio frequencies shall, pursuant to the Act itself, cease: [...] 3. if their holders failed to start using the radio frequencies within one (1) year of the issuing of the decision on the allocation of radio frequencies or failed to use the allocated radio frequencies for more than one (1) year, unless otherwise stipulated by the decision.  <b>Any necessary further comments on enforcement: None</b>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Slovenia	Public (when issued)	Decision on allocation of radio frequencies issued under Article 36(5) of Electronic Communications Act of Republic of Slovenia; recorded in registry under General act on radio frequency utilisation plan

## SLOVENIA

## SPAIN

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>
							<b>STATUS if pending</b>
Spain	Yes	Yes (For Solaris on July 2011)	IR	As per Decision 626/2008/EC	Fee of € 74,126 / year for 2 x 15 MHz, from 1 January 2011  To be revised annually	18 years per Decision 626/2008/EC	Procedures require registration as operators then application for frequencies; hence double application proceeding. (See General Telecommunications Law Art. 6) No dedicated form  Single authorisation for both CGC and MSS to be requested by operators.

<b>CGC Component</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued? (Yes/No) Date</b>	<b>Main conditions of CGC authorisations: Common conditions</b>	<b>Main conditions of CGC authorisations: Fees</b>	<b>Main conditions of CGC authorisations: Duration</b>	<b>Other conditions of CGC authorisations</b>	
Spain	Partially, pending the incorporation of a new point about CGCs in the royal decree of development of the Telecommunications General Law. Authorisations can be	No  Solaris is authorized for the use of an MSS integral system, but up to now the deployment of the network does not include any CGC. Any CGC must be requested and authorized by the Spanish	Common conditions for CGCs established in the License.  Basically in line with those established in 626/2008/EC Decision.	€74,100 per year for combined CGC and MSS authorisation  Revised annually  Article 13 of Royal Legislative Decree 1/1993, of 24 September, requires operators to pay a tax on Patrimonial Transfers and Documented Legal Acts ("Impuesto sobre Transmisiones Patrimoniales y Actos Jurídicos Documentados, modalidad Transmisiones Patrimoniales").  Operators are given a period of 3 months to submit to the Provincial Headquarters of Inspection of Telecommunications the receipts for the above payment. As reported by one operator, this tax amounted to €23.335,32 and was paid in differing amounts to all	18 years per Decision 626/2008/EC	Assumes CGC is repeater function  Other possibilities of CGC operation under study	

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
	issued from 1 January 2011 upon request.	Administration as an extension of the authorization already issued.		Autonomous Communities, taking into account both the Law of Spain and the Law of each territory.		

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Spain	No  Measures taken:  Measures anticipated:  Not up to now.	Yes	✓  Timing not determined	✓  See comments	✓  Timing not determined	<p>Law 32/2003 of 3 November, General Telecommunications, TITLE VIII, Inspection And Penalty Regime, Art. 56 on penalties</p> <p>Very serious offenses subject to fine up to 1% of revenue; 5% of funds or €20M (Art. 56(1)(a))            Serious offenses subject to fine up to €500,000 (Art. 56(1)(c))            Minor offenses subject of fines up to €30,000 (Art. 56(1)(d))</p> <p>At national level there has been no enforcement action up to now. The enforcement rules are established in the Telecommunications General Law (Law 32/2003 of 3 November, TITLE VIII) and the Royal Decree 863/2008 of development of the Telecommunications Law (articles 26 and 27), and Royal Decree 1398/1993 in relation with the disciplinary power exercise.</p> <p>National enforcement measures depend on the kind of the breach and its reiteration, and range from penalties to withdrawal of the rights of use and authorizations. Can you describe the procedures?</p> <p>Our national regulation is compatible with the terms of the Enforcement Decision (2011/667/EU).</p>

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Spain	Under study	Note UN 48 of the Spanish Frequencies Allocation Table (CNAF), modified by the "Orden ITC/658/2011, de 18 de marzo".

**SWEDEN**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>
							<b>STATUS if pending</b>
Sweden	Yes	Yes	GA Only notice of deployment required for MSS satellite component before operating network or providing service Terminal licence exemption under secondary legislation	Coverage requirement based on operator commitment; e.g., 95% for Solaris	<ul style="list-style-type: none"> <li>Notice fee approximately € 100 for revenues in Sweden under €500,000; 0.14% on revenues in Sweden above that level (section 2 of current fees regulation)</li> <li>Supervision fee for notices of approximately €5 for revenues in Sweden under €500,000; 0.0025% on revenues above that level (section 11 of current fees regulation)</li> </ul>	Term of 18 years from Decision 2009/449/EC (i.e., 14 May 2027)	Regulator contacted operators post selection

<b>CGC Component</b>						
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued? (Yes/No) Date</b>	<b>Main conditions of CGC authorisations: Common conditions</b>	<b>Main conditions of CGC authorisations: Fees</b>	<b>Main conditions of CGC authorisations: Duration</b>	<b>Other conditions of CGC authorisations</b>
Sweden	Yes	Yes IR to Solaris for CGC issued on 23 April 2010 (Sweden invited)	Coverage requirement for satellite is applied as CGC condition – 95%	Annual administrative fee combined with 2 x 15 MHz for national coverage is approximately € 82,500 (also operator notification fees, included above under satellite component)	Term of 18 years from Decision 2009/449/EC (i.e., 14 May 2037)	<ul style="list-style-type: none"> <li>Technical conditions set for CGC channels, other technical conditions for CGC</li> </ul>

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
		applications on 15 June 2009)	coverage requirement for Solaris comes from its commitments in the selection procedure			<p>pending further CEPT studies</p> <ul style="list-style-type: none"> <li>Broad statement of services permitted</li> </ul>

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
Sweden	<p>Yes</p> <p>Measures taken:</p> <p>Measures anticipated:</p>	Yes	<p>✓</p> <p>No notice has been given.</p> <p>30 days - see comments</p>	<p>✓</p> <p>An order to fulfill e.g. licence conditions might be combined with fines to put pressure and make a rectification to take place. These fines are estimated with regard to the financial status and other relevant</p>	<p>✓</p> <p>A suspension is possible as an intermediary measure if there is a serious threat to public order and alike. A revocation is possible when orders and prohibitions have not had the desired</p>	<p>CGC Licence conditions require annual reporting</p> <p>Enforcement tools are set generally in Chapter 7 of Electronic Communications Act (2003:389), providing for notice, opportunity for cure, and the possibility of licence revocation, fines or criminal penalties.</p> <p>Chap. 7, sec.4: Reasonable time may not be less than one month, except in the case of repeated cases of violation, unless the party that is notified consents to a shorter time limit. (sec. 8 provides for immediate action in case of need)</p> <p><b>Any necessary further comments on enforcement</b></p> <p>Legal enforcement measures rely on breaches of licence conditions. A licence has been assigned to Solaris upon application. PTS has not received any application from Inmarsat and no tie that way has been established.</p> <p>We have not noticed any activities in Sweden from neither of the two operators. There is no MSS 2 GHz specific information on their respective web sites and no promised services are available in Sweden.</p> <p>We assume, with regard to the malfunctioning of Solaris' satellite, that the signal quality is too bad to offer quality of service within the service area that covers Sweden. PTS are in preparations for monitoring of the signal.</p>



Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
				circumstances.	effect. See comments	

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
Sweden		Licence for radio transmitters required under Electronic Communications Act (2003:389)

**SWEDEN**

**UNITED KINGDOM**

<b>MSS Satellite Component and Terminals</b>							
<b>Member State</b>	<b>Regulations in place? (Yes/No)</b>	<b>Authorisations issued to the operators? (Yes/No) (Date)</b>	<b>General authorisation or individual rights?</b>	<b>Main conditions of MSS authorisations: Common Conditions</b>	<b>Main conditions of MSS authorisations: Fees</b>	<b>Main conditions of MSS authorisations: Duration</b>	<b>Other conditions of MSS authorisations</b>  <b>STATUS if pending</b>
UK	Yes	Yes IR to Inmarsat on 31 August 2010  IR to Solaris on 31 August 2010	IR  Ofcom takes position that "it is not possible under the Authorisation Directive to issue a general authorisation addressed to a specific entity...."  Mobile terminals will be licence exempt	Conditions for use refer specifically to Decision 626/2008/EC	No fees	Term to 13 May 2027	Ofcom consulted on exemption regulations for terminal use with the satellite or CGC component in early 2011.  Responses from UK stakeholders (MSS and IMT) to this consultation confirmed the necessity to delay the introduction of exemption regulations until completion of the ECC PT1 SE40 work on adjacent band compatibility. We will consult again on UK Terminal exemption regulations in 2012 once a ECC report/ recommendation is complete.  The regulator reports that "[if] an MSS applicant requests an authorisation [Ofcom] stand ready to make the necessary regulations with necessary interim measures on MSS/CGC terminals, which would then be updated

MSS Satellite Component and Terminals							
Member State	Regulations in place? (Yes/No)	Authorisations issued to the operators? (Yes/No) (Date)	General authorisation or individual rights?	Main conditions of MSS authorisations: Common Conditions	Main conditions of MSS authorisations: Fees	Main conditions of MSS authorisations: Duration	Other conditions of MSS authorisations  STATUS if pending
							when the harmonised CEPT studies are concluded.

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
UK	Yes	No	CGC base station licence is not transferable; transfer of rights and obligations arising from the licence may be authorised	<ul style="list-style-type: none"> <li>Fee of £554.000 (€643,400) per 2 x 1 MHz for national coverage (based on administered incentive pricing – AIP) – if applied to complete authorised CGC band of 2 x 15 MHz coverage, the total annual fee would be €9,645,000</li> <li>No fee review for 5 years except to decrease fee level if there is “clear and compelling evidence” that the rate is preventing this spectrum from being brought into efficient use</li> </ul>	Term to 13 May 2027	<p>Does not assume CGC is repeater function</p> <ul style="list-style-type: none"> <li>Services – It is not necessary to restrict the CGC to provide the same service, application or content as the satellite component, so long as under common management of the frequency assignment CGC should be “integral part” of the MSS).</li> <li>Specific technical rules set in-band and out of band limits, using a spectrum mask</li> </ul>

CGC Component						
Member State	Regulations in place? (Yes/No)	Authorisations issued? (Yes/No) Date	Main conditions of CGC authorisations: Common conditions	Main conditions of CGC authorisations: Fees	Main conditions of CGC authorisations: Duration	Other conditions of CGC authorisations
						approach. <ul style="list-style-type: none"> <li>Wireless Telegraphy (Licence charges) regulations are complete</li> </ul>

Enforcement						
Member State	Specific rules?	General rules?	Breach notice - modalities	Fines - modalities	Suspension / revocation - modalities	Legal references / Comments
UK	Yes <b>Measures taken:</b>  <b>Measures anticipated:</b>	Yes	✓ One month notice required for response or cure, subject to Ofcom discretion, under Art. 39 WT Act	✓ See comments – up to 10% of revenues	✓ One month notice required for response or cure, subject to Ofcom discretion	<ul style="list-style-type: none"> <li>CGC licensee must submit annual statement of compliance against the relevant CGC common conditions.</li> <li>Enforcement tools are set generally in Communications Act 2003 and Wireless Telegraphy Act 2006: for notice of breach and criminal penalties, including fines, see section 172 of Communications Act; general rules on enforcement are set forth in Chapter 4 of the Wireless Telegraphy Act, including notice of breach in Article 39, revocation in Schedule 1, Article 6 (including notice under Article 7); fixed penalties in Schedule 4 – penalties can range up to 10 percent of revenues</li> <li>Ofcom concluded that licensing the MSS component was necessary in order to apply enforcement provisions</li> </ul> <b>Any necessary further comments on enforcement:</b> None

UK

<b>Legal References</b>		
<b>Member State</b>	<b>MSS / CGC Auth. Public?</b>	<b>National legal reference</b>
UK	No	<p>The 2 GHz Frequency Band (Authorisation of Systems Providing Mobile Satellite Services)(European Union) Regulations 2010, Statutory Instrument 2010 No. 672</p> <p>CGC licensing procedures established under statement on the “Authorisation of terrestrial mobile networks complementary to 2GHz Mobile Satellite Systems (MSS),” 17 July 2009; 5 statutory instruments are envisaged to support CGC licences though not all need to be in place in order to issue a licence as follows:</p> <ol style="list-style-type: none"> <li>1) Fees regulations (now in place) ,S.I 2011 No 1128.</li> <li>2) Licensing Procedures (are not yet in place. However this does not stop issuance of a licence).</li> <li>3) Trading - These regulations (formed by established policy principles) are ready to be consolidated in, one general UK statutory update of trading regulations in 2012. Lack of the published regulations does not stop Ofcom issuing a CGC licence.</li> <li>4) Register (the policy principles are established and will be updated with the trading regulations in 2012). However, lack of these published regulations does not stop Ofcom issuing a CGC licence.</li> <li>5) Terminal exemption regulations are waiting completion of the CEPT reports in 2012. Ofcom's interim consultation exposed the necessity that there are harmonised technical conditions on 2GHz MSS/CGC user terminals because they are devices having free circulation and licence exemption status. Nonetheless, if we were requested to grant exemption regulations we would expect to do so on a interim basis.</li> </ol>

UK

## ANNEX 2 – MSS AUTHORISATION AND FEES TABLE

MSS Auth:	LE or GA	IR	IR w/ CGC					
MSS Fees:				Unknown or TBD	None	Annual	Other	Revenue based
AT	✓				✓			
BE	✓					€524	One time €636	
BG			✓			Revenue based network fee Spectrum fee of €256,410	One time €2,654	Network fee of 0.2% > €51,282 revenue
CY			✓			€10,000		
CZ	✓				✓		One time €41 registration	
DK	✓				✓			
DE			✓				One time €3,000 <sup>26</sup> Plus cost recovery fee	
EE	✓				✓			
EL		✓				€7,500 (spectrum)	Administrative fee of €300 with the GA Registration Administrative fee of €440 for the individual right of use	0.0025% > €150,000 0.004% > €250,000,000
FI	✓				✓			
FR		✓				€15,000 <sup>27</sup>		
HU	✓				✓			
IE	GA proposed			✓		Revenue based (proposed)		0.2% > €500,000 revenue (proposed)
IT			✓			IR = €22,200, plus €2,200 administrative fee for up to 10 CGC gap fillers (repeaters) <sup>28</sup>		
LV		✓				Revenue based		0.17%
LT		✓				€4,100 / MHz (E-S only)		
LU	✓					€2,500		Plus 0.9% > €300,000 revenue
MT		✓				€1,000	One time €2,000	
NL	✓				✓	Administrative cost recovery		
PL	✓				✓			
PT			✓			Network fee of €2,500 for revenue between €100,001 and €1.5M	One time €1,000	
RO		✓				€3,600		
SK		✓				Revenue based (plus initial one off fee)	One time spectrum fee €12,456,315	0.08% for network / services

<sup>26</sup> Possible other German fees to be determined.

<sup>27</sup> French fee is for long term authorisation; fees for certain regional trials are smaller.

<sup>28</sup> Italian fee includes up to 10 gap filler CGCs; additional charges of €5,500 for up to 100 gap filler CGCs, €11,100 for over 100 gap filler CGCs, resulting in total fee (listed in annex 4) of between €24,400 and €33,300; different fees listed in annex 3 for CGC non-repeaters

MSS Auth:	LE or GA	IR	IR w/ CGC					
MSS Fees:				Unknown or TBD	None	Annual	Other	Revenue based
SI		✓			✓	(See network fee under CGC)		
ES			✓				Combined €74,100 (includes CGC repeater function) <sup>29</sup>	
SE	✓							Notice fee of 0.14% > €500K revenue Supervision fee of 0.0025% > €500K revenue
UK		✓			✓			
Total	12	9	6	1	9			

- LE** Licence Exemption
- GA** General Authorisation
- IR** Individual Right of use
- IR w/ CGC** Single integrated license
- Fees** Exchange rates as applicable based on national bank average rate for December 2011

<sup>29</sup> Spain also applies a tax on Patrimonial Transfers and Documented Legal Acts, in 2011 amounting to a total of €23.335, paid in differing amounts to all Autonomous Communities the first time an authorisation is issued and with each modification (not annually). We have not included taxes in the fee calculations, but this tax appears to be a fee applied irrespective of revenues.

## ANNEX 3 – CGC AUTHORISATION AND FEES TABLE

CGC Auth:	Unknown or TBD	Partial In place	Fully Defined	Tech. Neutral?					
CGC Fees:	→				Unknown or TBD	Annual fee	Per 2 x 1 MHz national coverage / year	Per 2 x 15 MHz national coverage / year	Revenue based fee
AT			✓	Y		Per kHz fee: one time and annual fees based on amount of spectrum used, with choice of local, regional or nationwide service area: 2 x 1 MHz on a national basis incurs one-time fee of €79,894 and annual fee of €34,880. [Calculation of recurring annual fee is based on 5 “units” of duplex 400 kHz spectrum over 12 months, hence €581.38 x 5 x 12 = €34,880]		One-time fee of €1.198M  plus annual €523,200	
BE		✓		N	✓	Annual network fee of €524 and one time €636; spectrum fee not yet determined	Pending €1,500 / CGC for 2 x 5 MHz	Unknown	
BG			✓					See MSS table	See MSS table
CY			✓	N		€2,500		Unknown	
CZ			✓	N		Per kHz fee: 1600 kc/1 kHz of frequency used (equivalent to €65,100 / MHz		€976,500	
DK			✓	Y		Base station €350 / 1 MHz or nat'l fee €7.5K on 1 MHz unpaired	€15,000	€225,000	
DE			✓	Y		One-time €3,000 <sup>30</sup>  Plus cost recovery fee	To be determined	Unknown	
EE			✓	Y		Base station €1,150	€1,150 min.	€1,150 min.	
EL			☑ <sup>31</sup>	N		€30,000 / 10 CGCs		Unknown	
FI			✓	Y		CGC fee based on pop. and spectrum algorithm	€9,328	€139,914	
FR		☑		N		Regional coverage €19.2K for 6 CGCs (test and trials for limited period)		Unknown	
HU		✓		N <sup>32</sup>			€145,800 in first 4 years; €291,000 from the 5 <sup>th</sup> year	€2,187,000 in first 4 years; €4,374,000 from the 5 <sup>th</sup> year	
IE	✓				✓	Proposed €1 – 2M	Proposed	Proposed	

<sup>30</sup> Germany - possible other fees to be determined.

<sup>31</sup> Greece anticipates a possible further public consultation on CGC services and fees.

<sup>32</sup> Hungary applies a location limit on CGC placement and states it is limited to a repeater function. Hence, we do not interpret it as technically neutral.



CGC Auth:	Unknown or TBD	Partial In place	Fully Defined	Tech. Neutral?					
CGC Fees:	→				Unknown or TBD	Annual fee	Per 2 x 1 MHz national coverage / year	Per 2 x 15 MHz national coverage / year	Revenue based fee
						(scaled by pop. / geog. coverage)	€67,000 - €133,000 maximum	€1 – €2M maximum	
IT			✓	N		€7.2M / 2 x 5 MHz (or included in MSS fee for gap fillers) <sup>33</sup>	Not applicable	Proposed €21.6M (or included in MSS fee for gap fillers)	Additional fee based on geog. / usage ranging from €11,000 to €65,500
LV		☑				Per MHz fee: €6.54K / 2 x 1 MHz	€6,540	€98,100	
LT			✓ <sup>34</sup>	N		Per MHz fee: €4.1K / MHz	€8,200	€125,000	
LU			✓	Y		€1,000 / CGC / 2 x 1 MHz		Unknown	Plus 0.9%
MT	✓				✓			Unknown	
NL			✓		✓ <sup>35</sup>			Unknown	
PL			✓	N		One-time €400 and annual €2,500 per CGC repeater	CGC non-repeater fees depend on network structure; national coverage = €35,200; local coverage per community = €30	CGC non-repeater fees depend on network structure; national coverage = €528,000	
PT			✓	Y		€21,978 / CGC		Unknown	
RO			✓	Y <sup>36</sup>		Per MHz fee: €240K for 2 x 1 MHz national coverage; € 60K for 1 MHz unpaired band	€240,000	€3.6M	
SK			✓	N		€955 / CGC plus €6.5 administrative fee / authorisation		Unknown	
SI			✓			Annual cost recovery fee for network / services of €124 <sup>37</sup>	€4,360	€65,400	
ES		✓		N		Combined €74,100 (for CGC repeater function only)		€74,100	

<sup>33</sup> Italian higher CGC fee applies in case CGCs are used for "independent terrestrial network".

<sup>34</sup> Lithuania must apply technical conditions to be determined based on coordination with non-EU adjacent countries.

<sup>35</sup> The Netherlands CGC fees appear to be based on administrative cost recovery which thus would be recalculated each year.

<sup>36</sup> Romania indicates that enforcement provisions from Directive 2009/140/EC were adopted in December 2011.

<sup>37</sup> Slovenia applies a cost recovery fee of €124 for revenues under €417,292. Higher amounts due for higher revenues.

CGC Auth:	Unknown or TBD	Partial In place	Fully Defined	Tech. Neutral?					
CGC Fees:					Unknown or TBD	Annual fee	Per 2 x 1 MHz national coverage / year	Per 2 x 15 MHz national coverage / year	Revenue based fee
SE			✓	Y		€82,500 total allocation	€5,500	€82,500	Plus MSS revenue % see above
UK		<input checked="" type="checkbox"/> <sup>38</sup>		Y		€643,000 min.	€643,000	€9.65M	
<b>Total</b>	2	6	19	10 Y 11 N 6 not determined				Indicative total €40,305,121 <sup>39</sup>	

**Unknown** If fee is based on number of CGCs and not on amount of frequency used, then calculation of national coverage fee is not possible without assessing individual network build-out plans

**Technology Neutral** Indicated as **N** if CGC is only authorised for repeater use, or if higher fees are charged for non-repeater / 2-way use

**Fees** Exchange rates as applicable based on national bank average rate for December 2011

<sup>38</sup> UK necessary statutory instruments pending, under consultation, but all legislation in place; Ofcom stated it "will consider reviewing the rate downwards before [a] 5 year period has elapsed if, once the European regulatory position and associated market developments have become a little clearer, we are presented with clear and compelling evidence that the rate of £554,000 per 2 x 1 MHz is preventing this spectrum from being brought into efficient use." Ofcom Statement of 17 July 2009, page 2 at paragraph 1.8. See also id., pages 58-62 at paragraphs A4.31 to A4.43.

<sup>39</sup> Figure is indicative as it is based on fees in 22 of 27 Member States, excluding unknowns and revenue-based fees. Calculation assumes minimum number of CGC installed (BE, EE, EL, LU, PT, SK), minimum annual fee (CY), existing regional fee (FR) and lower end of proposed fee range (IE). Calculation excludes one-time fees (AT, DE).

## ANNEX 4 – MSS AND CGC FEES TABLE

[footnotes from previous annexes omitted]

MS	MSS Fees Unknown or TBD	None	Annual fee	Other	Revenue based	CGC Fees Unknown or TBD	Annual fee	Per 2 x 1 MHz national coverage / year	Per 2 x 15 MHz national coverage / year	Revenue based fee	Total of both MSS and CGC 2 x 15 MHz (or comments)
AT		✓					Per kHz fee: one time and annual fees based on amount of spectrum used, with choice of local, regional or nationwide service area: 2 x 1 MHz on a national basis incurs one-time fee of €79,894 and annual fee of €34,880. [Calculation of recurring annual fee is based on 5 "units" of duplex 400 kHz spectrum over 12 months, hence €581.38 x 5 x 12 = €34,880]		One-time fee of €1.198M plus annual €523,200		See CGC
BE			€524	One time €636		✓	Annual network fee of €524 and one time €636; spectrum fee not yet determined	Pending €1,500 / CGC for 2 x 5 MHz	Unknown		Admin fees and pending CGC spectrum fee
BG			Revenue based network fee Spectrum fee of €256,410	One time €2,654	Network fee of 0.2% > €51,282 revenue				See MSS	See MSS	Rev. based
CY			€10,000				€2,500		Unknown		€12,500
CZ		✓		One time €41 registration			Per kHz fee: 1600 kc/1 kHz of frequency used (equivalent to €65,100 / MHz		€976,500		See CGC
DK		✓					Base station €350 / 1 MHz or nat'l fee €7.5K on 1 MHz unpaired	€15,000	€225,000		See CGC
DE				One time €3,000 Plus cost recovery fee			One-time €3,000 Plus cost recovery fee	To be determined	Unknown		€3,000 plus undetermined future fees
EE		✓					Base station €1,150	€1,150 min.	€1,150 min.		See CGC

MS	MSS Fees Unknown or TBD	None	Annual fee	Other	Revenue based	CGC Fees Unknown or TBD	Annual fee	Per 2 x 1 MHz national coverage / year	Per 2 x 15 MHz national coverage / year	Revenue based fee	Total of both MSS and CGC 2 x 15 MHz (or comments)
EL			€7,500 (spectrum)	Administrative fee of €300 with the GA Registration Administrative fee of €440 for the individual right of use	0.0025% > €150,000 0.004% > €250,000,000		€30,000 / 10 CGCs		Unknown		Multiple large fees
FI		✓					CGC fee based on pop. and spectrum algorithm	€9,328	€139,914		See CGC
FR			€15,000				Regional coverage €19.2K for 6 CGCs (test and trials for limited period)		Unknown		€15,000 plus undetermined future fees
HU		✓						€145,800 in first 4 years; €291,000 from the 5 <sup>th</sup> year	€2,187,000 in first 4 years; €4,374,000 from the 5 <sup>th</sup> year		See CGC
IE	✓		Revenue based (proposed)		0.2% > €500,000 revenue (proposed)	✓	Proposed €1 – 2M (scaled by pop. / geog. coverage)	Proposed €67,000 - €133,000 maximum	Proposed €1 – €2M maximum		Rev. based plus CGC spectrum fee
IT			IR = €22,200, plus €2,200 administrative fee for up to 10 CGC gap fillers (repeaters)				€7.2M / 2 x 5 MHz (or included in MSS fee for gap fillers)	Not applicable	Proposed €21.6M (or included in MSS fee for gap fillers)	Additional fee based on geog. / usage ranging from €11,000 to €65,500	Multiple large fees
LV			Revenue based		0.17%		Per MHz fee: €6.54K / 2 x 1 MHz	€6,540	€98,100		Rev. based fee plus €98,100
LT			€4,100 / MHz (E-S only)				Per MHz fee: €4.1K / MHz	€8,200	€125,000		€187,500
LU			€2,500		Plus 0.9% > €300,000 revenue		€1,000 /CGC / 2 x 1 MHz		Unknown	Plus 0.9%	Rev. based fee plus CGC fee plus admin fee
MT			€1,000	One time €2,000		✓			Unknown		€2,000 plus undetermined future fee
NL		✓	Administrative cost recovery			✓			Unknown		Unknown

MS	MSS Fees Unknown or TBD	None	Annual fee	Other	Revenue based	CGC Fees Unknown or TBD	Annual fee	Per 2 x 1 MHz national coverage / year	Per 2 x 15 MHz national coverage / year	Revenue based fee	Total of both MSS and CGC 2 x 15 MHz (or comments)
PL		✓					One-time €400 and annual €2,500 per CGC repeater	CGC non-repeater fees depend on network structure; <u>national</u> coverage = €35,200; local coverage per community = €30	CGC non-repeater fees depend on network structure; <u>national</u> coverage = €528,000		Admin fee plus CGC fee up to €528,000
PT			Network fee of €2,500 for revenue between €100,001 and €1.5M	One time €1,000			€21,978 / CGC		Unknown		Admin fee plus Rev. based fee plus unknown CGC fee
RO			€3,600				Per MHz fee: €240K for 2 x 1 MHz national coverage; € 60K for 1 MHz unpaired band	€240,000	€3.6M		€3,603,600
SK			Revenue based (plus initial one off fee)	One time spectrum fee €12,456,315	0.08% for network / services		€955 / CGC plus €6.5 administrative fee / authorisation		Unknown		Rev. based fee plus large spectrum fee plus admin fee
SI		✓	(See network fee under CGC)				Annual cost recovery fee for network / services of €124 <sup>40</sup>	€4,360	€65,400		See CGC
ES				Combined €74,100 (includes CGC repeater function) <sup>41</sup>			Combined €74,100 (for CGC repeater function only)		€74,100		See CGC
SE					Notice fee of 0.14% > €500K revenue Supervision fee of 0.0025% > €500K revenue		€82,500 total allocation	€5,500	€82,500	Plus MSS revenue % see above	Rev. based fee plus €82,500
UK		✓					€643,000 min.	€643,000	€9.65M		See CGC

**Fees** Exchange rates as applicable based on national bank average rate for December 2011

<sup>40</sup> Slovenia applies a cost recovery fee of €124 for revenues under €417,292. Higher amounts due for higher revenues.

<sup>41</sup> Spain also applies a tax on Patrimonial Transfers and Documented Legal Acts, in 2011 amounting to a total of €23.335, paid in differing amounts to all Autonomous Communities. We have not included taxes in the fee calculations, but this tax appears to be a fee applied irrespective of revenues.

## ANNEX 5 – CONCLUSIONS ON AUTHORISATION STRUCTURES

Member State	1. Complete	2. Not complete	3. Comments and missing elements	4. Outlier elements e.g., fee structures or unique authorisation approach
AT	✓			One time initial CGC spectrum fee of €1,198,000 plus €523,200 annual fee for 2 x 15 MHz duplex operation
BE		✓	Pending CGC Royal Decree	
BG	✓			
CY	✓			
CZ	✓		New legislation in January 2012	annual CGC fee of €975,000 for 2 x 15 MHz duplex
DK	✓			
DE	☑		CGC annual spectrum fee to be determined (but authorisations issued)	
EE	✓			
EL		☑	Structure complete, but possible further consultation for CGC service is contemplated	
FI	✓			
FR		☑	Main MSS licence structure in place and CGC experimental testing authorised; no determination on CGC fees until detailed description received from operators on CGC service, which may be followed by public consultation	
HU	☑		Amendments pending	annual CGC fee of €2,187,000 in first 4 years for 2 x 15 MHz; €4,374,000 from the 5th year
IE	MSS GA complete	✓	Consultation pending on CGC	Proposed annual CGC fee of €1,000,000 – €2,000,000
IT	✓			annual CGC non-repeater fee of €21,600,000 plus additional fees
LV		✓	Duration, terms and conditions not specified until application filed	
LT	✓		Conditions may apply due to non-EU cross-border coordination	
LU	✓			
MT		✓	CGC regulations pending – projected end of 2011	MSS IR rights granted automatically to operators without applications, while CGC structure undefined.
NL	☑		Proposed license precisely mirrors MSS Decision, without any additional details, enforcement not yet determined	
PL	☑		Terms of CGC non-repeater function to be specified	
PT	✓			annual CGC fee of €21,798 (per station)
RO	✓			annual CGC spectrum fee of €3,600,000
SK	✓			one time up front MSS spectrum fee of €12,456,315
SI	✓			
ES		☑	CGC regulation is underway (legislation pending), but authorisation can be issued upon operator request; assumes CGC is repeater function	
SE	✓			
UK	☑		Primary legislation complete, main statutory instrument in place; three other statutory instruments required for CGC terminals and fees are pending	annual CGC spectrum fee of €9,650,000 for 2 x 15 MHz duplex
Total	20	7	☑ = indicates regulatory structures in place with some missing elements, including ☑	

## ANNEX 6 – ENFORCEMENT MODALITIES

MS	Breach notice period	Maximum fines	Revocation notice period	Bringing into use standard
AT	N	€58K	N	6 months
BE	10D – 30D	5% revenue	R	
BG	6M	€15K - €150K	30D	
CY	30D	€1,708 / day	N	2 months
CZ	30D	-	30D	
DK	N	N	1Y	
DE	N	€500K	N	1 year
EE	1M	€3.2K	1M	
EL	R	€7K - €2M	R	2 years
FI	N	N	N	
FR	R	3 to 5% revenue or € 150K to 375K	R	
HU	N	0.25% revenue	N	
IE	R	N	28D	
IT	1M	€1.5K - €250K	N	
LV	30D	-	3M	
LT	30D	3% revenue	30D	
LU	1M	€1M to 2M		
MT	15D	€10K	15D	
NL	R	€450K or 10% revenue	R	
PL	30D	3% revenue or €115K		
PT	N (5D)	Broad range	N	
RO	R	N	R	
SK	N	€30K	N	6 months
SI	30D	€400K	N	1 year
ES	N	Broad range	N	
SE	30D	N	30D	
UK	1M	10% revenue	1M	

**N** Not specified  
**R** "reasonable time"  
**#D** number of days  
**#M** number of months

Special caution should be applied to this chart, as it is a broad overview of national legislation, which gives wide discretion to NRAs and may be modified / interpreted by secondary legislation and regulations.