

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

## Contents

1.	<b>EXECUTIVE SUMMARY</b>	1
	1.1 Overview	1
	1.2 Key Findings	1
	1.3 Structure of the Report	3
2.	<b>BACKGROUND TO 2 GHz MSS</b>	4
	2.1 The MSS Decision	4
	2.2 The Selection Decision	6
	2.3 Enforcement under the MSS Decision	7
3.	<b>HOW THIS STUDY WAS CONDUCTED</b>	8
	3.1 Information gathered for this study	8
	3.2 Types of information gathered	9
4.	<b>MSS SATELLITE COMPONENT AUTHORISATION REGIMES</b>	10
	4.1 MSS Authorisation Structures	10
	4.2 Procedures, Conditions and Modalities for Authorisation Regimes	11
	4.3 MSS Fees	12
	4.4 Other issues – duration and forms	13
5.	<b>CGC AUTHORISATION REGIMES</b>	14
	5.1 CGC Authorisation Structures	14
	5.2 Technology and Service Neutrality	15
	5.3 CGC Fees	15
	5.4 Other issues – duration and forms	17
6.	<b>MSS AND CGC AUTHORISATIONS ISSUED TO THE OPERATORS</b>	18
7.	<b>RULES ON MSS ENFORCEMENT</b>	19
8.	<b>CONCLUSIONS</b>	20
	<b>ANNEX 1 – MEMBER STATE INFORMATION</b>	1
	<b>ANNEX 2 – MSS AUTHORISATION AND FEES TABLE</b>	29
	<b>ANNEX 3 – CGC AUTHORISATION AND FEES TABLE</b>	30
	<b>ANNEX 4 – CONCLUSIONS ON AUTHORISATION STRUCTURES</b>	32

## 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.”

### 1.1 Overview

The aim of this project is to gather information in a systemic approach to present a complete picture of Member State regulations that apply, following the Decision 626/2008/EC of the European Parliament and of the Council on selection and authorisation of MSS systems and the Decision 2009/49/EC of the Commission on the selection of MSS operators. The project identifies the following details:

- the regulatory situation in general (e.g. is the authorisation regime in place? Have any required authorisations been issued to the selected operators?);
- terms and conditions of MSS / CGC authorisations;
- 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
- sanctions (e.g. fines) imposable on the selected operators in case of non-compliance with the terms and conditions of MSS / CGC authorisations.

### 1.2 Key Findings

#### MSS satellite component authorisation regimes

Twenty-one Member States have some authorisation structures in place for MSS; 6 do not. We do not characterise all the systems in place as being complete, because many have important regulatory issues still unresolved. As of December 2010, at least 12 national procedures for establishing or finalizing some details of MSS authorisation structures were said to be underway; there were limited prospects for more than a few (if any) of these to be completed by the end of 2010 and we were not aware of any being completed.

The fee structures for MSS are diverse in the Member States that have established them in whole or in part. As of December 2010, our research allows us to define fee structures for the MSS component with reasonable certainty in 18 Member States; in 9 Member States the structure is unknown or undetermined. The fees solely for the MSS component range from nothing to €74K per year, with four others based on percentages of revenue.

#### CGC authorisation regimes

As of the end of December 2010, our research indicates that authorisation structures for CGC were said to be in place in whole or in part for 16 Member States. Eleven Member States said such structures were not in place or have partial systems that require legal steps for completion.

When we examine those regulatory structures said to be in place, many of them also lack final elements. Based on our assessment, we have confirmed that 6 or 7 Member States have CGC authorisation structures that are fully defined with all necessary elements in place.

Another issue relates to the CGC services or technology that are permitted. Authorisation structures for CGC were technology and service neutral in 7 Member States. Another 7 are not neutral; that is to say the CGCs were limited to repeater functions. For the remaining 13 it is not possible to say. The conclusion we draw from this finding is that the 2 GHz MSS operators as of the end of 2010 could not yet say what services would be permitted in about half the Member States.

The fee structures for CGC are extraordinarily diverse in the Member States that have established them in whole or in part. We were able to define fee structures for the CGC component with moderate certainty in 18 Member States; in 9 Member States the structure is unknown or undetermined. Both the manner in which fees are developed and applied, and the levels of the resulting fees, vary substantially.

Of the 18 Member States with identifiable CGC fee structures, 14 were sufficiently defined that we could calculate the fees that would apply if an applicant sought to use the entire 2 x 15 MHz allocation for which it was selected. These fees would be a minimum of €38.9 - €39.9 million per year (including additional revenue based fees in one of those 14 Member States). In another 4 Member States there is a fee structure that is not sufficiently detailed or which is mainly based on a percentage of revenues, so we could not calculate likely fees.

#### MSS and CGC authorisations issued to the selected operators

We found that general authorisations or licence exemptions are in place in 5 Member States. Individual rights of use or one sort or another have been issued in 6 Member States. Some of these rights of use were issued for trials or testing, such as the French CGC authorisations for test operations. Others are for nation-wide service, such as in the UK (where the CGC authorisation depends on up to three pending statutory instruments), DE (where CGC can only be implemented as a repeater function), FR (for the satellite component) and SE.

#### Rules on MSS enforcement

With respect to enforcement, we confirmed that all Member States have general provisions on issuing notices of breach, possible revocations and fines for non-compliance. Very few Member States have adopted specific provisions for enforcement of MSS conditions – they are not required to do so under the MSS Decision. Some Member States have commented that they will find enforcement to be difficult for MSS operations, and impossible for those operations outside their jurisdiction.

### **1.3 Structure of the Report**

Section 2 of this report describes the background to the authorisation of operators of pan-European systems providing mobile satellite services in the 2 GHz frequency bands. Section 3 describes the procedures we followed in this study, including the contacts we have made and types of information obtained from them. 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. 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 Community legislation has specified how and which applicants are selected, as well as defined common conditions for authorisations, monitoring and enforcement.

### 2.1 The MSS Decision

Decision No. 626/2008/EC of the European Parliament and of the Council 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 EU 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.

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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.

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:

- (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 MSS 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;

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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.

- (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 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.

## 2.2 The Selection Decision

The Commission adopted Decision 2009/449/EC on the selection of MSS operators on 13 May 2009 (the Selection Decision) and it 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.<sup>5</sup> 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 does not specify that its effectiveness depends on publication in the Official Journal. Therefore, its adoption date of 13 May 2009 determines (a) the date by which applicants must meet the final milestones; and (b) the duration of the rights of use and authorisations granted for systems.<sup>6</sup> Article 7(2)(b) of the MSS Decision provides that applicants must meet milestones six to nine within 24 months of the selection decision. Article 7(2)(e) provides that any necessary rights of use and authorisations shall be granted for a duration of eighteen years from the “date” of the Selection Decision. By contrast, the coverage deadline in the MSS Decision is based on the “date of publication” of the Selection Decision; Article 4(c) requires certain population and geographical coverage of each and every Member State no later than seven years from that publication.

Normal procedure is to measure date calculations from the day after the date that a decision is taken.<sup>7</sup> Taking this approach, the deadline for meeting milestone nine would be 14 May 2011; the duration for rights of use and authorisations would be 14 May 2027; and the coverage deadline would be no later than 13 June 2016.

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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> Judicial challenges were submitted by the two unsuccessful applicants, one of which remains pending. See ICO Global Communications (Holdings) Limited, SEC FORM 10-Q for the three and nine months ended 30 September 2010, filed on 3 November 2010, at pages 18-19 (“we expect a full hearing in front of the European General Court in early 2011”).

<sup>6</sup> The Selection Decision provides in Article 4 that the selections it makes are conditional on no information being provided within 30 days that the selected applicants intend not to use the radio frequencies identified. No such notice was submitted, so that condition has expired.

<sup>7</sup> See e.g., TFEU Article 297(1), establishing that Legislative Acts addressed to the Member States “...enter into force on the date specified in them or, in the absence thereof, on the twentieth day following that of their publication.” See also TFEU Article 297(2) (“Regulations and directives which are addressed to all Member States, as well as decisions which do not specify to whom they are addressed, shall be published in the Official Journal of the European Union. They shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following that of their publication”).

### 2.3 Enforcement under the MSS Decision

A final element of the MSS Decision comes into play after the selection procedure has been completed and operators have been granted necessary rights of use and authorisations. 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>8</sup>

These provisions do not expressly require Member States to establish a new or dedicated enforcement regime for MSS. Article 9(2) 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>9</sup> The Authorisation Directive (as amended) contains detailed provisions on enforcing compliance with conditions of general authorisations or rights of use and with specific obligations, which Member States have been required to implement irrespective of the 2 GHz MSS situation.

Article 9(2), third paragraph, of the MSS Decision does not expressly give the Commission authority to impose penalties, but empowers it to examine any alleged breach of the common conditions, with the assistance of the Communications Committee (CoCom). Article 9(3) refers to “measures for defining any appropriate modalities for coordinated application of the rules on enforcement referred to in paragraph 2....” Such rules must be adopted under regulatory procedures with scrutiny.<sup>10</sup>

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<sup>8</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. However, the definition of mobile satellite system includes communications between a mobile earth station and one or more CGC. Thus, we interpret enforcement provisions to apply to both MSS satellite components and CGC.

<sup>9</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 the new 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.

<sup>10</sup> The regulatory procedures with scrutiny are specified in Article 9(3) of the MSS Decision, by reference to Article 10(4) of that decision, which in turn refers to provisions of Council Decision 1999/468/EC of 28 June 1999 on procedures for the exercise of implementing powers, OJ L 184, 17 July 1999, page 23.

### 3. HOW THIS STUDY WAS CONDUCTED

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

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 more than one year following the Commission Selection Decision.

In particular, the study is expected to collect comprehensive and systemized information on (a) the MSS (satellite component) and CGC authorisation regimes put in place or 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 and (c) national enforcement rules applicable to the MSS and CGC authorisations.

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 authorisations been 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 sanctions (e.g. fines) imposable on the selected operators in case of non-compliance with the terms and conditions of MSS / CGC authorisations.

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.

In the following discussion in this section, we describe what steps we took to achieve the clear identification called for and the resulting analysis.

#### 3.1 Information gathered for this study

To conduct this study, we contacted the national regulatory agencies (NRAs) of all 27 Member States. At the outset of the study, we reviewed information available from public sources. We also conferred with Inmarsat and Solaris to assess the operators' 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.

Primary information gathering was conducted in September and October. In early October we attended a meeting of the CoCom working group on MSS. At the meeting we introduced our study, described its status and heard updates from the NRA representatives. We have incorporated that input into the resulting information gathering and analysis.

Subsequently, we sent the information that we had prepared on each Member State to the NRAs in order to (a) confirm that our information is correct and (b) obtain any updates, changes or details on pending action. This confirmation process was mainly undertaken in early November 2010. NRA officials in all 27 Member States were given the opportunity to review the information in the attached tables and to confirm their accuracy.

We received reasonably detailed information on regulatory structures in 24 Member States from the national regulatory authorities. As a final step, we sent draft versions of our tables to all 27 Member States – 22 took the opportunity to review and confirm the table information that we sent to them, and which is now reflected in tables set forth in Annex 1 to this report. One Member State did not supply information in response to inquiries (5 correspondences to BG); some others provided minimal details. We developed basic information on the situation in several of these Member States, which is included in this report.

We have entered affirmative responses for every Member State that says it has regulations in place. In some instances, nevertheless, there is little or no corresponding public information or published interpretation of applicable rules; possibly details may be set forth in correspondence with applicants not made public. Moreover, many Member States said that regulations were in place, but also noted there were gaps in basic requirements, such as fees, terms and conditions. Thus, there are numerous instances in the tables where we have entered “Yes” to reflect that the Member State has said that regulations exist, but on further analysis have indicated in the cumulative Annexes 2 to 4 that the regulations are not complete.

As a methodology point, we reached certain conclusions and made certain CGC fee calculations that are discussed in text and reflected in the attached annexes. Member States did not review or confirm these conclusions and calculations.

### **3.2 Types of information gathered**

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

- MSS Satellite Component and Terminals
- CGC Component
- Enforcement
- Legal References

The four tables set forth in Annex 1 provide the details on the information we have gathered. The three following tables in the Annexes 2, 3 and 4 summarize the results. With few exceptions, we have included in our tables only that information we have confirmed through publicly available sources or direct contact with the NRA. Those exceptions are noted in the tables.

## 4. MSS SATELLITE COMPONENT AUTHORISATION REGIMES

The main issue for MSS satellite authorisation regimes appears to be whether Member State authorisation regimes have been established in time for the selected applicants to achieve a sufficient degree of legal certainty to proceed with their business plans.

The purpose of Decision 2007/98/EC was to harmonise conditions for the availability and efficient use of the 2 GHz MSS spectrum, and Member States were required to make that spectrum available as of 1 July 2007.<sup>11</sup> Numerous Member States designated that spectrum for MSS in their national frequency tables. In large part, national frequency allocation tables already reflected the allocation of this spectrum to MSS, based on decisions by CEPT bodies dating back to 1997.<sup>12</sup> Those allocations did not, however, establish authorisation structures for MSS and integrated CGC.

Normal satellite space stations and related service do not require an individual licence in each Member State, other than for the country of ITU registration, due to provisions of Commission Directive 2002/77/EC on competition in markets for electronic communications and services.<sup>13</sup> The MSS Decision, however, required the implementation of new national regulations in order to apply the common conditions at the national level.

### 4.1 MSS Authorisation Structures

The MSS Decision did not establish a date certain by which authorisation structures must be in place, but instead 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 right of use for radio frequencies shall be granted within six weeks from receipt of the complete application.

Generally all Member States have not established authorisation structures as soon as possible after the 13 May 2009 Selection Decision:

- As of June 2010, one year after the adoption of the Selection Decision, it was reported to the Commission that authorisation structures for MSS were said to be in place for 16 Member States; 6 Member States said such structures were not in place; and no information was available for 5 Member States.<sup>14</sup>
- As of the end of December 2010, our research indicates that 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

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<sup>11</sup> The term "to make available" spectrum is subject to various interpretations. Compare RSCoM(08) 84, "Legal framework relevant to the implementation of Decisions adopted pursuant to the Radio Spectrum Decision and related notification and monitoring, 23 June 2009, page 4 (non-binding working paper) ("Making available a spectrum band means preparing all the necessary steps so that the authorisation process can start if a potential user so requests, and therefore letting potential users know that they will have the possibility to access a frequency band under specific conditions.") with *Telefónica O2 UK Limited v. Ofcom*, [2010] CAT 25 (UK Competition Appeal Tribunal), Case Number 1154/3/3/10, Judgment dated 7 October 2010, paragraph 94 ("the words "make available" mean ...that any measures necessary should be put in place to ensure that, by [the deadline set in the decision], the 900 MHz and 1800 MHz bands are available throughout EU Member States to be authorised for use with UMTS technology, and are thereby capable of being made use of."). See also MSS Decision, Recital (8), recognizing that Decision 2007/98/EC does not cover procedures for assignment of spectrum and granting rights of use.

<sup>12</sup> See ERC Report 25 as amended, "The European Table of Frequency Allocations and Utilisations in the Frequency Range 9 kHz to 1000 GHz" (Nice 2007), pages 121-122.

<sup>13</sup> See Directive 2002/77/EC, Article 7, "Satellites," OJ L 249, 17 September 2002, page 21.

<sup>14</sup> Statistics for the situation as of June 2010 is based on information submitted to the CoCom working group on implementation of the framework for pan-European systems providing MSS.

information. We base the following discussion, therefore, on analysis of 21 systems in place to some extent (but not necessarily complete) and 6 not in place. See Annex 2 for the complete breakdown by Member State.

- As of December 2010, at least 12 national procedures for establishing or finalizing some details of MSS authorisation structures were said to be underway (in CY, CZ, EL, FR, IE, IT, LU, MT, NL, PT, ES, UK); we understand proceedings may be underway in BG and HU. There were few prospects that more than a few (if any) of these would be completed by the end of 2010. (As of December, we were aware of none that were completed.)

The main issue for authorisation structures is said to be a “chicken and egg” situation that arises from the timing of NRAs completing their application scheme. Applicants might contend that their ability to finance and develop a MSS system is hampered in the absence of authorisation structures, and particularly service definitions and fee structures across the Member States. This perspective is recognized in MSS Decision Recital 11, which states that the high up-front investments and associated risk of MSS systems requires economies of scale. NRAs might contend that there is no compelling reason to develop detailed regulatory procedures in the absence of applications – as the two selected applicants have not submitted applications in all Member States.

A likely more realistic view is that this situation is a linear situation where applicants may be hampered in developing business plans or investment decisions in the absence of legal certainty over authorisation regimes and most importantly without resolution of what services can be offered in the Member States. In principle, it was up to the operators to define their business plans and specific services during the selection process; the Member States’ role is to set up regulatory structures for those services. Nevertheless, it is difficult for applicants to justify investments or submit an application if the terms and conditions are not settled, because applicants in this situation are applying for an unknown, but could be committed by virtue of the application to pay whatever fees and provide services in whatever structure the Member State might ultimately conclude should apply. This concept is not unique to the 2 GHz MSS context; any large infrastructure investment decision is typically based on a due diligence showing of the terms and conditions that would apply for necessary authorisations.

This situation is likely to be less significant for the MSS component than for CGC, especially as the spectrum has been designated for MSS service since 2007 in Decision 2007/98/EC. By contrast the definition of CGC structures 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. Thus, we view the CGC regulatory 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 (CY, DK, NL and SE). Most Member States relied on applicants to contact them first.

Interpretations of consultation procedures for authorisation regimes have varied widely. We confirmed that four Member States have conducted or intend to conduct broad consultations on the proposed rules (IE, PT, UK and FR). In the absence of such

consultations there are limited descriptions of the rationale behind national authorisation schemes.

Virtually all Member States that have adopted authorisation schemes have incorporated the common conditions of Article 7 of the MSS Decision, either by direct reference to the MSS Decision or listing those conditions in their authorisations.

Nevertheless, the modalities of national authorisation schemes are extremely different. Some Member States have exempted the MSS component from licensing based on their national table of frequencies or apply a general authorisation; some few use a unified authorisation for both MSS component and CGC; others issue separate individual rights of use for each element; all have exempted terminals from licensing (or plan to). The break out is as follows:

- Eight Member States apply either licence exemption or general authorisation to the MSS satellite component. Ten Member States require an individual right of use for the MSS satellite component instead of a general authorisation. One Member State NRA concluded that it could not legally grant a general authorisation to specific identified applicants; no other NRA discussed this issue or explained in detail why it adopted the approach it took.
- Three Member States adopted a single, unified authorisation for the satellite component and CGC, based on an individual right of use.
- Some Member States have granted temporary, testing or trial authorisations (for example, BE, IT, LU) for the development of the MSS component. Some of these Member States indicate they have regulations in place, with some important details for long term service to be defined. Some other Member States have regulatory structures, but with certain fees as yet unspecified (e.g., CY, MT, SK).

#### **4.3 MSS Fees**

Fees for the MSS authorisations are diverse. As of the end of December 2010, our research allows us to define fee structures with reasonable certainty for the MSS component in 18 Member States; in 9 Member States the structure is unknown or undetermined.<sup>15</sup>

The general pattern is to charge no or minor fees for the MSS satellite component, although there are substantial variations from this approach; for example, Luxembourg, which applies a revenue based fee to the MSS service as a whole rather than to the CGC component. In 9 Member States, there is no fee for the MSS component. Some other Member States apply an application fee while others apply an annual administrative fee covering the provision of service, based on either a set fee or proportion of revenues. 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 (under €500) is as follows:

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<sup>15</sup> This statistic differs from the previous section on number of Member States with MSS regulations in place, because some Member States say they have a structure in place but have not yet determined fees.

Fee Level	Number of MS	Specific MS
Unknown or unspecified fees	9 Member States	BE, BG, CY, EL, IE, MT, NL, PT, SK
No fees	9 Member States	AT, CZ, DK, EE, FI, HU, PL, SI, UK
One time administrative fee	2 Member States – range between €3K and €6.5K	DE (with possible later additional fees to be determined), SK
Annual fees under €5,000	3 Member States	LT, LU, RO
Annual fees from €5,000 to €15,000	No Member State	--
Annual fees above €15,000	3 Member States – one charge of €74.1 K for combined MSS / CGC and another with €25K annual fee	ES, IT FR
Revenue-based annual fee * SK revenue fee is defined but additional fees are yet to be determined, so SK is listed in three categories; LU applies both a revenue percentage and a fixed fee to MSS, so it also is listed twice	4 Member States apply percentages of 0.08%, 0.14%, 0.17% and 0.4% of revenues (these are not the only fees that apply)	SK*, LV, SE, LU*

#### 4.4 Other issues – duration and forms

There is general consistency on the duration of the authorisation granted for the MSS satellite component, because the MSS Decision explicitly states it should be 18 years. A handful of Member States apply licence terms of shorter duration (ranging from one year to five to ten, with possibility of renewal). Nevertheless, there is an inconsistency in how the Member States have interpreted the 18 year duration established in the MSS Decision. The Member States have interpreted that duration to provide for authorisations ending on dates of 12, 13 and 14 May 2027. One issued an authorisation for a duration of 18 years from its grant date, which extends the duration to 8 October 2027 – this last is a mistake as it is inconsistent with MSS Decision Article 7(2)(c). As we discussed above, in our view the “correct” date is 14 May 2027.

With respect to the forms required for MSS satellite component applications, there is also wide variation. Most Member States have not prescribed specific dedicated forms, and most have relied on standard forms for electronic communications networks. The forms in general do not appear to present an administrative burden. We note, nevertheless, that two Member States would appear to require a large number of filings and paperwork above the norm (DE and HU). For instance, Germany requires filing every three months of site-related frequency use parameters for all CGCs in operation. Hungary seems to require six different filings, some for special fees.

## 5. CGC AUTHORISATION REGIMES

The main issues for CGC authorisation regimes appears to be: (a) when will Member States devise final authorisation rules – just over half have any specific rules at all in place; (b) what the rules will permit – many Member State authorisation regimes define CGC structures by default to be solely a repeater function but uncertainty remains over what will be permitted even in Member States with some rules in place; and (c) 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. We anticipated that authorisation structures for the MSS component would be easier for NRAs to implement, because in many cases they could rely on licence exemptions or table of frequency allocations. We also anticipated that CGC authorisation structures would be more difficult due to differences of opinion over what should be permitted.

The following results confirm our assumptions:

- As of June 2010, one year after the adoption of the Selection Decision, it was reported to the Commission that authorisation structures for CGC were said to be in place for 9 Member States; 11 Member States said such structures were not in place; and no information was available for 7 Member States.
- As of the end of December 2010, our research indicates that authorisation structures for CGC were said to be in place in whole or part for 16 Member States.
- This result leaves 11 Member States that either said such structures were not in place or have partial systems that require legal steps for completion. This figure includes 1 Member State which supplied no information but which we do not believe to have a structure in place (BG). See Annex 3 for the complete breakdown by Member State with respect to CGC structures.

Some of these determinations are open to interpretation, so we have applied a strict standard. The statement that regulations are in place does not always mean that “all regulations” are in place; and in some Member States the statement that regulation is in place refers to general regulations for rights of use for spectrum and general authorisation provisions, rather than specific regulations for CGC operation.

We sought in most instances to review more closely the pertinent regulatory structures. Thus, generally, when a Member State noted that it has regulations in place but fees are not determined, we did not confirm the regulatory structure as being fully defined (especially as there is enormous variation in the fees that are determined, as we discuss below). Nevertheless, we did confirm that a regulatory structure is in place where fee structures have been based on existing terrestrial mobile or broadband fee structures that strictly speaking are not analogous.

Similarly, when a Member State had developed requirements subject to further statutory instruments for which adoption was underway or eminent, we did not confirm that structure as being fully defined. (This category could add 1 Member State to the “completed” list.) We also have not defined regulatory structures as fully in place if there is no determination of how CGC non-repeater operations can be conducted. (This category also could add 1 Member State to the “completed” list.)

Our research has come after the applicants have dedicated over a year of contacting Member States. Some Member States have not settled certain regulatory elements, most notably fees, until they are approached with an actual application by the MSS operators. In our view, an applicant could not submit an application without knowing what the fees are likely to be, especially in light of very substantial variations we observe in fee structures and service definitions amongst the Member States.

With these considerations in mind, it is our view that 6 or 7 Member State CGC authorisation structures are fully defined with all necessary elements in place. See Annex 4 for complete breakdown by Member State.

## 5.2 Technology and Service Neutrality

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). Key issues with respect to implementation of the MSS Decision have been (a) whether the service to be provided is limited to broadcasting or other one-way type transmissions, or whether two-way communications can be provided too; and (b) whether the CGC stations are treated as solely repeater stations for the transmissions carried mainly through the satellite stations.

We do not seek to analyze the requirements of the MSS Decision and legal structure in this respect, or to analyze the details of the few published Member States assessments of the issue. We have reviewed the regulatory structures themselves to determine whether the resulting regulations could be said to be neutral with respect to services to be provided and the way the CGC base stations are characterized. Some Member States expressly state that CGCs must be used solely for repeater functions (CY, CZ) or have not developed rules for fee structures that permit two-way service (e.g., FR, DE, PL). Some have expressly stated there is no such limit (e.g., EE, SE, UK). Most are not clear on the issue. 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 are not neutral; for the remaining 13 it is not possible to say or the regulations are not in place, based on responses to our inquiries. See Annex 3 for the complete breakdown by Member State.

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. Nevertheless, the conclusion we draw from this finding is that the 2 GHz MSS operators cannot yet say what services will be possible and viable in half the Member States.

## 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 2010, our research allows us to define fee structures for the CGC component with moderate certainty in 18 Member States; in 9 Member States the structure is unknown or undetermined. We say “moderate certainty” because the information we received was not always consistent with other reports, many numbers have large uncertainties built in and some are to be revised annually.

- Both the manner in which fees are developed and applied, and the levels of the resulting fees, differ very substantially. The table below shows the differing approaches adopted by the Member States and the disparities in the amounts that the Member States seek to charge for service authorisations.
- If an applicant sought to use the entire 2 x 15 MHz allocation for which it was selected, it would incur minimum annual fees of between €38.9 million and €39.9 million in the 14 Member States in which it is possible to calculate such fees.<sup>16</sup> This figure underestimates the total even for those 14, because it excludes some additional revenue-based fees and other fees that apply. In another 4 Member States there is a fee structure that is not sufficiently detailed or which is mainly based on a percentage of revenues, so we could not calculate likely fees.

The following table shows the types of fees and range that we have found. We have not included minor one time administrative fees (under €500) or network fees where more substantial spectrum fees are yet to be determined (e.g., BE):

Type of Fee	Specific MS	Range of amounts, expressed per 2 x 1 MHz where possible
Unknown or to be determined	BE, BG, CY, EL, IE, MT, NL, PT, SK	IE is €67 – 133K (proposed)
Base station fee*	HU DK EE FI PL	modest station fee (plus revenue and network fees below) €700 for single location €1.1K for the band €1.4K (figure based on Helsinki pop.) €2.5K (for single repeater only)
One time	DE AT	€3K (plus possible future fees) €79.9K (plus annual fee)
Annual fixed fee under €100K (for 2 x 1 MHz)	LU LT SE LV DK (alternative to single) FR SI AT HU ES	€1.0K (plus MSS revenue fee) €4.1K €5.5K (plus MSS revenue fee) €6.54K €15K (national coverage) €16K €36K (plus unconfirmed revenue fee) €34.9K <sup>17</sup> €37.3K €74.1K (combined MSS / CGC fee) <sup>18</sup>
Annual fixed fees over €100K	CZ RO UK	€130K €240K €643K

<sup>16</sup> The 14 Member States for which we could calculate a 2 x 15 MHz fee includes two proposed regulatory structure that are yet unconfirmed but at least the proposal is on the table (CZ, IE) and one for which there is a high degree of uncertainty (IT). The 14 do not include Member State structures that rely mainly on base station fees or percentages of revenue.

<sup>17</sup> Our calculations of the Austrian recurring annual fee is based on 5 "units" of duplex 400 kHz spectrum over 12 months, hence €581.38 x 5 x 12 = €34.88K

<sup>18</sup> Spain's fee is €74.1K for the entire band for national coverage, 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	Range of amounts, expressed per 2 x 1 MHz where possible
(for 2 x 1 MHz)	IT	€1.44M (proposed)
Annual revenue-based fee**	HU LU (applies to MSS service) SE (applies to MSS service) SI	0.212% (plus base station and network fee above) 0.40% (plus annual fee above) 0.14% above €500K MSS revenues Unconfirmed revenue fee
Member State fee structures: 24 (including overlaps discussed in following notes)  * Some Member States use multiple fees and are thus included in more than one category: DK provides alternatives of either a single base station or national coverage; AT uses both a one time fee plus annual payments (AT also permits city or regional coverage fees that are not included in the table).  ** All 4 Member States applying revenue based fees also apply other fees: e.g., LU and SE apply both an annual fixed fee plus a revenue fee applied to the MSS component, which would include CGC revenues. Thus, these Member States are included in two categories.		Calculations of 2 x 1 MHz based in each case on assumed national system, using duplex transmissions for entire year of 1 MHz in each direction.

Numerous Member States apply fees on a per kHz or per 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 if an applicant provides solely a broadcasting one-way service. However, for any sort of two-way communications service, it is likely that the full allocation would be used. 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 (CZ, IE), we were able to calculate the resulting annual fee in 13 Member States. The result is a range between €38.9 million and €39.9 million per year (shown 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, but as noted above, many Member States do not have a defined structure in place that could respond to applications.

Whether or not a licence has actually been granted can often be a matter of interpretation, as some regulatory decisions taken by letter or similar correspondence that is not public may not be reflected and cannot be confirmed explicitly in the research we have undertaken.

Based on information that we have reviewed and confirmed with the Member States, 11 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 2 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.

We are aware of external reports of the licences granted to the MSS operators, which do not necessarily agree with our findings. 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, EE, FI, 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 emphasised that it has adopted a general authorisation approach but no one has applied (PL).<sup>19</sup>
- MSS and CGC individual rights of use have been issued in BE, FR, DE, IT, SI and UK. Some of these rights of use were issued for trials or testing, such as the Italian authorisation (for which no regulations are in place), French authorisations for CGC test operations and the Belgian three month temporary authorisation. Others are for longer term and nation-wide service, such as in the UK (where the CGC authorisation depends on up to three pending statutory instruments), DE (where CGC can only be implemented as a repeater function), FR (for the satellite component) and SE.

On the subject of transparency, the Commission asked us in the course of this project to determine if the authorisations would be publicly available. We found that two will be public.

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<sup>19</sup> For this reason we also do not include DK as having granted a general authorisation, although its national frequency table explicitly refers to the two selected MSS operators. Nevertheless, DK reports that it has not granted a general authorisation yet to the operators.

## 7. RULES ON MSS ENFORCEMENT

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.”

With respect to monitoring, NRAs generally indicated that they would review the annual reports of the operators. The German NRA indicated it also will monitor developments through use of the German satellite monitoring station in Leeheim. The Austrian NRA indicated it would rely on an extensive network of terrestrial monitoring stations.

Generally all Member States have the authority to require regular monitoring reports. MSS Decision Article 7(2)(d) requires the condition 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. As noted above, the DE individual right of use also contains extensive monitoring and information requirements.

With respect to enforcement tools, as noted above, Article 9(2) does not require Member States to establish a new or dedicated enforcement regime for MSS. Member States thus have relied on general enforcement mechanisms in their national communications legislation. That legislation in all cases provides for the revocation of authorisations for failure to comply with conditions, for fines and for notice of breach. Tables attached to this report identify the general rules that apply for enforcement through notices of breach, fines and possible suspension / revocation of authorisations.<sup>20</sup> We did not see a general practice of identifying clearly the possible amount of the fines that could be applied. One exception was Ofcom material indicating that a financial penalty could range up to ten percent of the turnover of an operator notified of a particularly serious breach. Another is BNetzA material stating that a penalty not exceeding €500,000 could be imposed to enforce orders.

One NRA pointed out that it lacks jurisdiction to address non-compliance with milestone 9 on provision of MSS within the territories of Member States. 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. Other NRAs also noted this limit on their enforcement authority.

Another NRA has indicated that “a revocation of the frequency assignments of the MSS 2 GHz operators would not be in line with the [Selection Decision] which requires Member States to authorize the frequency use by the selected operators. This action could only be considered if the relevant Commission Decision is modified or an additional new Decision will be developed to cover enforcement issues.”

One Member State has indicated in a consultation document that it will grant the MSS authorisation for the requisite 18 year term, but will build in a formal review at years three and twelve of the licence term (IE).

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<sup>20</sup> The primary focus of this report has not been on general electronic communications legislation in all the Member States and we do not represent that the information on general enforcement contained in the tables is a comprehensive review of all possible mechanisms or citations that NRAs might use in their enforcement of authorisation conditions. We are informed that the CoCom working group obtained information from Member States on enforcement practices, which we did not review for purposes of this report.

## 8. CONCLUSIONS

Our report gathered information from Member State authorities on the status of their regulatory structures for authorising MSS and integrated CGC. This study commenced over two years after the MSS Decision was adopted and over one year after the Selection Decision was adopted. During the ensuing period, we understand that the MSS operators have sought to obtain information on authorisation structures. We obtained reasonably detailed responses about regulatory structures in 24 Member States. Three Member States supplied minimal or no information in response to our inquiries. We nevertheless developed basic information on the situation in those Member States, which is included in this report.

With respect to regulation and authorisation of MSS satellite components:

- **Regulatory structures:** 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.
- **Pending:** As of December 2010, at least 12 national procedures for establishing or finalizing some details of MSS authorisation structures were said to be underway; there are limited prospects for many of these to be completed by the end of 2010.
- **Fees:** These are diverse in the Member States that have established them in whole or in part. As of December 2010, our research allows us to define fee structures for the MSS component in 18 Member States; in 9 Member States the structure is unknown or undetermined. The fees solely for the MSS component range from nothing to €74K per year, with four others based on percentages of revenue.

With respect to CGC regulatory structures:

- **Regulatory structures:** As of December 2010, our research indicates that authorisation structures for CGC were said to be in place in whole or in part for 16 Member States.
- **Incomplete structures:** We confirm that 11 Member States do not have CGC regulatory structures in place or have partial structures that require legal steps for completion. This figure includes 1 Member State which supplied no information but which we do not believe to have a structure in place (BG). However, when we examine those regulatory structures said to be in place, many of them also lack final elements. Based on our assessment, we have confirmed that 6 or 7 Member States have CGC authorisation structures that are fully defined with all critical elements in place.
- **Permitted services:** Authorisation structures for CGC were technology and service neutral in 7 Member States. Another 7 are not neutral; for the remaining 13 it is not possible to say. The conclusion we draw from this finding is that the 2 GHz MSS operators cannot yet say what services will be possible and viable in about half the Member States.
- **Fees:** We defined fee structures for the CGC component in 18 Member States; in 9 Member States the structure is unknown or undetermined. Both the manner in which fees are developed and applied, and the levels of the resulting fees, vary substantially. 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 single national authorisation using 2 x 15 MHz of paired spectrum, with four others based mainly on percentages of revenue.

- **Full Service Fees:** For 13 Member States we can calculate the fees that would apply if an applicant sought to use the entire 2 x 15 MHz allocation for which it was selected. These fees would be a minimum of €38.9 - €39.9 million per year, a figure that likely understates the total.

With respect to actions already taken under existing regulatory structures:

- **Authorisations granted:** General authorisations or licence exemptions are in place in 5 Member States. Individual rights of use or one sort or another have been issued in 6 Member States. Some of these rights of use were issued for trials or testing, such as the French CGC authorisations for test operations. Others are for nation-wide service, such as in the UK (where the CGC authorisation depends on up to three pending statutory instruments), DE (where CGC can only be implemented as a repeater function), FR (for the satellite component) and SE.

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.

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

## ANNEX 1 – MEMBER STATE INFORMATION

Asterisked materials from CoCom MSS working group discussion

Most “standard” conditions required in the MSS Decision are not listed (e.g., 18 month operation of CGC in event of satellite failure or requirement for CGC to be integral part of MSS)

Table A1

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
1. Austria	Yes	No	LE	Licences will be required for CGC	None	None - LE	
2. Belgium	No	No 1 temporary authorisation for 3 months starting from September 2010)	IR	To be determined	To be determined	To be determined	<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 solely French or Flemish, then from the respective French or Flemish Region; if mixed, then from the BIPT)</li> <li>Conditions will be set once a formal application is filed (no particular form is specified)</li> <li>MSS operators must register as service</li> </ul>

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
							provider, this registration automatically exempts the terminals from individual licensing.
3. Bulgaria	No	No	Unknown	Unknown – preliminary advice to one selected applicant contained specific reference to Decision 626/2008/EC	Unknown– preliminary advice to one selected applicant referred to 18 year term	Unknown	Regulator considering regulatory structure as of December 2009; no updated information supplied
4. 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>	Fees not yet finalized (5 October 2010)	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
5. 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	Statutory amendment to authorize MSS is under discussion; prior proposal not agreed; timeframe by May 2011

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
6. Denmark	Yes	No	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
7. 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 – standard form on NRA website
8. 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
9. France	Yes	Yes temporary IRs to Solaris granted on 22 October 2009; long term IR issued on 16 February 2010)  France is country of registry for Solaris satellite)	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 (MSS component - Decision No. 2009-0890)</li> <li>Long term fee of approximately €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</li> </ul>

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
		Authorisation for Solaris satellite at 10°W granted by Arrêté of 24 December 2008					0210)
10. Germany	Yes	Yes 1 IR to Solaris issued on 27 April 2010; Solaris registered as service provider as of August 2010, Reg-Nr. 09/297	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)	
11. Greece*	[Yes] [according to NRA statement, which is inconsistent with “under study”]	No	GA	Under study	Under study	Under study	Regulator considering proposal as of October 2010, rules predicted by end 2010 – anticipated no IR for satellite  Fees and individual licensing for MSS under study
12. Hungary	Yes – but amendments pending	No	IR  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)	
13. Ireland	Pending	No	MSS with CGC	Conditions will include a		Term proposed as a single	Completion of MSS

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
			provider would operate under a General Authorisation, with a Spectrum Right of Use (wireless telegraphy licence) for the CGC	Schedule to the License or Spectrum Rights of Use issued to require milestone compliance (pending September 2010) based on Decision No 626/2008/EC		licence of 18 years duration, with formal reviews of the licence in years three and twelve	consultation not listed on ComReg action plan to June 2011
14. Italy	Partial	Yes IR to Solaris 30 July 2010 for trial purposes	IR	To be determined	€25 000 per 15 MHz per year.	Duration up to 12 May 2027	To be determined Current trials are based on general telecoms regulation; see generally Electronic Communications Code, Arts. 30 - 33, no specific regulations in place
15. Latvia	Yes	No	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.)	Not specified, will be in accordance with Decision 626/2008/EC	PUC assignees 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

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
16. Lithuania	Yes	No	GA  IR for E-S link	Not specified, will be 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 km<sup>2</sup> covered (see item 9.5.3 in fee table)</li> </ul>	Not specified, will be in accordance with Decision 626/2008/EC	
17. Luxembourg	Yes	None required for spectrum use Service declaration done under "Loi du 30 mai 2005 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 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 2009 an annual fee, linked to the declaration of service, of 0.4% of revenue and €2,500 has been fixed.		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]
18. Malta	Yes	No	IR for spectrum, GA for services	Terms and conditions in accordance with Decision 626/2008/EC	Satellite spectrum fees not yet determined		Internal procedures underway, expected by end of 2010  <ul style="list-style-type: none"> <li>• The GA notification form is available here: <a href="http://www.mca.org.mt/infocentre/openarticle.asp?id=509&amp;pref=13">http://www.mca.org.mt/infocentre/openarticle.asp?id=509&amp;pref=13</a> .</li> <li>• To obtain the relevant</li> </ul>

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
							authorisations, the operators would need, as a minimum to be registered as an overseas company in accordance with Maltese Law.
19. Netherlands	Yes	No	IR	Terms and conditions in accordance with Decision 626/2008/EC	"No information on fees and charges is available"		Current plan to adopt national proposals by end of 2010, with formal adoption in February 2011 Regulator contacted operators post selection
20. Poland	Yes	So far, Polish NRA has obtained no application from MSS operators	General Authorisation	To be determined	Fees are imposed only for CGC part	To be determined	Currently NRA does not plan to launch public consultations
21. Portugal	No	No	To be determined	To be determined	To be determined	To be determined	Public consultation will be launched towards end of year
22. 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)	Licence term is 5 years with option for renewal on demand within the timeframe of Decision 2009/449/EC (i.e., 14 May 2027)	Corporate registration in Romania required as a public operator

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
23. Slovakia	Yes National Frequency Allocation Table, Act No. 610 of 3 December 2003 on Elec. Communications	No	<ul style="list-style-type: none"> <li>IR –Satellite component</li> <li>GA - Operation of user terminals is permitted by GA VPR–03/2010 from October 2010 <a href="http://www.teleoff.gov.sk/index.php?ID=3521">http://www.teleoff.gov.sk/index.php?ID=3521</a></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 – “Splnenie oznamovacej povinnosti (poskytovanie sietí a služieb)“)</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 of frequencies (To be determined)</li> <li>No fees for Satellite Component</li> <li>0.08% of annual sales for providing services and networks under GA VP-01/2008</li> <li>Administrative fee for each authorization is €6.5; MSS / CGC fees are in development</li> </ul>	May 2027 (To be determined)	
24. 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)	

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
25. Spain	Yes - Partial	No	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, no dedicated form  Single authorisation for both CGC and MSS to be requested by operators
26. 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
27. UK	Yes	Yes IR to Inmarsat on 31 August 2010	IR  Ofcom takes position that "it is	Conditions for use refer specifically to Decision 626/2008/EC	No fees	Term to 13 May 2027	Ofcom plans to consult on exemption regulations for terminal use with the satellite or CGC component in early 2011

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
		IR to Solaris on 31 August 2010	not possible under the Authorisation Directive to issue a general authorisation addressed to a specific entity....” Mobile terminals will be licence exempt				

Table A2

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
1. Austria	Yes	No	Based on Decision 626/2008/EC	The “Ordinance for Telecommunications Fees” (Telekommunikationsgebühren-Verordnung -TKGV) authorises fees for frequency assignment and frequency use. For CGCs the following fees are applicable (rounded amounts). 1. Frequency Assignment Fee (one-off fee) per each assigned	In general licenses in Austria are issued for 10 years. The maximum CGC licence duration 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	

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
				25 kHz: a) a local service area (up to 500,000 inhabitants) €200 b) countrywide service area: €999 c) other service area: €599  2. Frequency Use Fee per month per each assigned 400 kHz: a) a local service area (up to 500,000 inhabitants) €116 b) countrywide service area €581 c) other service area €349 -- 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).	May 2027	
2. Belgium	No	No		<ul style="list-style-type: none"> <li>Annual fee of €510 as network operator fee plus one-time fee of €619</li> <li>Annual spectrum fees to be determined</li> </ul>		
3. Bulgaria	No	No	Unknown – preliminary advice to one selected applicant contained specific reference to Decision 626/2008/EC	Unknown – preliminary advice to one selected applicant referred to intention to use "good European practices"	Unknown– preliminary advice to one selected applicant referred to 18 year term	

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
4. 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>	Fees not yet finalized	13 May 2027	Forms: each CGC requires Notification Form (to be defined in the authorisation terms). Assumes CGC is repeater function
5. 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> </ul>	Not determined	CGC considered as a land mobile service Forms available on NRA website
6. 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> </ul>	Would apply same duration as Decision 626/2008/EC	

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
				<ul style="list-style-type: none"> <li>A minor administrative fee - € 40 per year</li> </ul>		
7. 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
8. 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	Term of 18 years from Decision 2009/449/EC (i.e., 14 May 2027)	Coordination required with adjacent non-EU country
9. France	Yes	Yes – temporary IRs to Solaris granted on 22 October 2009 as amended 30 March 2010	Terms and conditions are based on Decision 626/2008/EC  Separate authorisation from MSS	<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 (MSS component - Decision No. 2009-0891, 22 October 2009)</li> <li>Trial authorisation amended by Decision n° 2010-0389,</li> </ul>	Not yet determined	Assumes CGC is repeater function  Developing a Decree and Arrêté to define CGC as gap filler; if used for more than repeaters, new license may be needed, terms and conditions are not defined to date for such systems

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
				30 March 2010, adding additional regional coverage and increasing fee from €12,724 to €16,314 <ul style="list-style-type: none"> <li>This trial authorisation could be extended until May 2011, following a request from Solaris.</li> </ul>		
10. Germany	Yes	Yes - 1 frequency assignment to Solaris 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 MSS and CGC	<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” – we understand use is currently limited to repeater service</li> <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</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
						specified power level of 24 dBW <ul style="list-style-type: none"> <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> Secondary conditions include: <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>
11. Greece	No	No	Unknown	Under study	Unknown	* Regulator considering proposal as of October 2010, rules predicted by end 2010 – no NRA update provided
12. 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:	Duration consistent with 18 year term specified in Decision 626/2008 (precise date not	Assumes CGC is repeater function <ul style="list-style-type: none"> <li>• Coverage limitation: "The</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
				<ul style="list-style-type: none"> <li>a frequency assignment procedure, and</li> <li>the issue of a framework authorisation</li> </ul> <p>Frequency usage fee for CGC includes network fee per application based on bandwidth (7 HUF / kHz / month) approximately equal to €37,333 for 2 x 1 MHz annual fee or €560,000 for the entire duplex band (rules note possibility of discount. An additional modest per station fee applies</p> <p>Other fees:</p> <ul style="list-style-type: none"> <li>Public administration stamp duty, approximately €8</li> <li>Market surveillance fee, 0.212% of annual net sales</li> </ul>	specified)	<p>service provider shall be entitled to install and operate CGC stations only in the white (uncovered) areas inside the MSS satellite component's footprint."</p> <ul style="list-style-type: none"> <li>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"</li> <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>
13. 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)</li> <li>Proposed possibility of fee deferral for the first three years with the operator being required to institute a bond</li> </ul>	<ul style="list-style-type: none"> <li>18 year MSS with CGC licence</li> </ul>	<p>Does not assume CGC is repeater function</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 undertake annual field survey with specified measurement requirements (pending</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
						September 2010)
14. Italy	Partial	No	To be determined	If CGCs constitute an independent terrestrial network: yearly fee of €7,216,171 per 5 MHz plus a fee proportional to the "geographic extent/number of users" of the network, based on Arts. 34 – 35 and Annex 10, Art 2(14) to Legislative Decree 1 August 2003, No 259 - Electronic Communications Code	To be determined	Single licence covering integrated CGCs if they can be considered as straight "repeaters / gap-fillers" Status: Final decision on CGC framework and fees anticipated by 31 December 2010
15. Latvia	Yes Cabinet Decision Nr. 453	No	Electronic Communications Office ( <a href="http://www.esd.lv">www.esd.lv</a> ) 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	Not specified, will be in accordance with Decision 626/2008/EC	Not specified, will be in accordance with Decision 626/2008/EC
16. Lithuania	Yes	No	Not specified, will be in accordance with Decision 626/2008/EC	Fee of € 4100/MHz per year for nationwide coverage; fees established by amendment to schedule of fees, using algorithm based on km <sup>2</sup> covered (see item 9.5.2 in national fee table)	Not specified, will be in accordance with Decision 626/2008/EC	Assumes CGC is repeater function
17. Luxembourg	No (fees are still missing)	No	Frequencies are reflected in "Plan des Frequences" with reference to Decision 2007/98/EC General conditions apply	A draft regulation foresees a fee of €1000/ assigned 1 MHz duplex.	Will be issued based on 18 year requirement	Status: specific rules pending (as of 23 December 2010)

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
			under the "Loi du 30 mai 2005 portant organisation de la gestion des ondes radioélectriques" Relevant content of EC decisions will be included in license.			
18. Malta	No	No	Internal procedures underway, expected by end of 2010 Expected to be IR for spectrum use	<ul style="list-style-type: none"> <li>CGC spectrum fees not yet determined</li> <li>Fees for a network or service authorisation are set in an 11th Schedule to Elec Comms Networks and Services Regulations:                             <ul style="list-style-type: none"> <li>€11,645 administrative fee per year for public comms networks;</li> <li>€2,325 admin fee per year for public service; plus</li> </ul> </li> <li>1.5% of annual revenue up to €23M – 1.0% of next €23M – 0.5% above that</li> </ul>	Not yet determined	Assumes CGC is repeater function "CGCs will be limited to only provide those services provided by the satellite network – the provision of other services will not be permitted."
19. Netherlands	No	No	Authorisation of CGC will be issued in 4Q2010	"No information on fees and charges is available"		Regulator working in CGC licensing and technical rules (as of 5 October 2010)
20. Poland	Yes	So far, Polish NRA has obtained no application from MSS operators		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	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
				In case of technological and service neutrality in CGC decisions, fees may be higher		
21. Portugal	No	No	To be determined	To be determined	To be determined	Public consultation will be launched towards end of year
22. 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 with Decision 626/2008/EC. There is no limit of the base stations to be placed.	<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>	Licence term is 5 years with option for renewal on demand within the timeframe of Decision 2009/449/EC (i.e., 14 May 2027)	CGC is a terrestrial mobile network
23. Slovakia	Yes	No	IR	<ul style="list-style-type: none"> <li>• Fee for operation of each CGC (To be determined)</li> <li>• Administrative fee for each authorization is €6.5</li> </ul>	Same as MSS licence duration (May 2027)	2 general forms are at <a href="http://www.teleoff.gov.sk/index.php?ID=268">http://www.teleoff.gov.sk/index.php?ID=268</a> see application form specified at <a href="#">rádiové zariadenia pozemnej pohyblivej pps služby</a> ; and annex: <a href="#">Príloha k žiadosti - základňová alebo pevná rádiová stanica</a>
24. Slovenia	Yes	No		Fees not specified in licence document: will consist of fees for frequency use, numbering and telecoms service based on annual revenue – annual fee of €36,000	Licence term goes to 8 October 2027 (18 years from grant) when granted	Procedure defined in Art. 38, Electronic Communications Code
25. Spain	No – under way Frequency authorisations	No	See above for proposed structure of combined MSS / CGC authorisation	€74,000 per year for combined CGC and MSS authorisation Revised annually	18 years per Decision 626/2008/EC	Assumes CGC is repeater function Other possibilities of CGC

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
	can be issued from 1 January 2011 upon request by operators					operation under study
26. Sweden	Yes	Yes IR to Solaris for CGC issued on 23 April 2010 (Sweden invited applications on 15 June 2009)	Coverage requirement for satellite is applied as CGC condition – 95% coverage requirement for Solaris comes from its commitments in the selection procedure	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 pending further CEPT studies</li> <li>• Broad statement of services permitted</li> </ul>
27. 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 approach.</li> </ul> <p>Status: Additional statutory instruments will be needed for CGC, to be consulted in due</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
						course <ul style="list-style-type: none"> <li>Wireless Telegraphy (Licence charges) regulations under consultation as of 19 November 2010; closing date 10 January 2011</li> </ul>

Table A3

Enforcement						
Member State	Specific rules?	General rules?	Breach notice	Fines	Suspension / revocation	Legal references / Comments
1. Austria	No	Yes	✓	✓	✓	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.  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)
2. Belgium	No	Yes	✓	✓	✓	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

Enforcement						
Member State	Specific rules?	General rules?	Breach notice	Fines	Suspension / revocation	Legal references / Comments
3. Bulgaria	No	Yes	✓	✓	✓	Law on electronic communications empowers Communications Regulation Commission to suspend or terminate rights of use under Art. 30(10), notice of breach and possibility of fines or penalties is provided in Art. 78, termination under Art. 117 and suspension under Art. 120
4. Cyprus	No	Yes	✓	✓	✓	Sanctions are define by the National Radiocommunication Law.
5. Czech Rep.	No	Yes	✓	✓	✓	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) and 22b. Administrative offenses are defined in Title VII, Article 118 et seq of the Act, with the possibility of fines established in Article 118, subsections (11) – (13) and Article 119. Notice and opportunity to cure breach is provided in Article 114.
6. 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> <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>
7. Estonia	No	Yes	✓	✓	✓	<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>
8. Finland	No	Yes	✓	✓	✓	<ul style="list-style-type: none"> <li>Radio Frequency Regulation No.4 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>

Enforcement						
Member State	Specific rules?	General rules?	Breach notice	Fines	Suspension / revocation	Legal references / Comments
9. France	No	Yes	✓	✓	✓	General rules on enforcement of conditions and regulations Telecommunications Act of 1996, provisions in Article L. 36 of the Posts and electronic communications code; L. 36.11(1) provides for notice of breach; L. 36.11(2) provides for fines and revocation
10. Germany	No	Yes	✓	✓	✓	<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</li> </ul>
11. Greece	No	Yes	?	✓	✓	Telecommunication law 3431/2006 – EETT notes it has no appropriate monitoring stations
12. Hungary	No	Yes	✓	✓	✓	“The NMHH supervises satisfaction of obligations based on its authority set forth in legislation, and may apply sanctions and fines if necessary. In case of severe breach of terms, the Authority shall notify the European Commission.”
13. Ireland	Yes (planned)	Yes	✓	✓	✓	Specific monitoring and enforcement conditions to be included in MSS / CGC licence (pending September 2010) Regulator can enforce conditions in General Authorisations under European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2003 (S.I. No. 306 of 2003) 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 Regulation Act 2006 gives the NRA enforcement powers, including giving notice of breach (Art. 44) and fines (Art. 45 – 46)/
14. Italy	No	Yes	✓	✓	✓	Legislative Decree 1 August 2003, No 259 - Electronic Communications Code, Art. 32 provides for enforcement, Art. 98 provides additional penalties (amended in 2006)
15. Latvia	No	Yes	✓	✓	✓	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 Law On Regulators of Public Utilities 2000, as amended, gives independent regulators authority to revoke

Enforcement						
Member State	Specific rules?	General rules?	Breach notice	Fines	Suspension / revocation	Legal references / Comments
						licenses, Art. 18(3) and issue notices of breach, Art. 18(4). 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.
16. Lithuania	No	Yes	✓	✓	✓	Covered in the General terms and conditions for engaging in electronic communications activities as well as in Law on Electronic Communications, Law/IX-2135/2004 04 15/ as amended, see Chapter 10
17. Luxembourg	No	Yes	✓	✓	✓	General enforcement rules in Loi du 30 mai 2005 sur les réseaux et les services de communications électroniques – see Title XI “Sanctions” ; also see Art. 15 on notice of breach of conditions and General enforcement rules in Art. 9 of Loi du 30 mai 2005 portant organisation de la gestion des ondes radioélectriques
18. Malta	Yes	Yes	✓	✓	✓	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 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.
19. Netherlands	No	Yes	✓	✓	✓	“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
20. Poland	No	Yes	✓	✓	✓	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
21. Portugal	No	Yes	✓	✓	✓	Decree-Law No 151A/2000 of 20 July 2000, on licensing of radiocomms 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
22. Romania	No	Yes	✓	✓	✓	Government Decision No. 236/2006 on establishing and sanctioning violations in the operation of radio stations provides for fines and other penalties

Enforcement						
Member State	Specific rules?	General rules?	Breach notice	Fines	Suspension / revocation	Legal references / Comments
						Government Emergency Ordinance no. 79/2002 on the general regulatory framework for communications, approved, with amendments and completions, by Law no.591/2002, contains Chapter XI on "Sanctions"; Art. 59 provides for notice of breach and license suspension
23. Slovakia	No	Yes	✓	✓	✓	The issue of sanctions in general is covered by Part Six – Administrative Torts, Section 71 of Act No. 610, 3 December 2003 General enforcement provisions are covered by Act No. 610 of 3 December 2003 on Electronic Communications; Chap. 5 "Supervision," includes provisions for notice of breach in Art. 37(4), and suspension of licenses
24. Slovenia	No	Yes	✓	✓	✓	General sanctions set forth in Electronic Communications Act; Art. 23 provides for notice of breach and possible revocation; Art. 48 provides for revocation of spectrum assignments; Art. 141-144 provide for administrative fines
25. Spain	No	Yes	✓	✓	✓	Law 32/2003 of 3 November, General Telecommunications, TITLE VIII, Inspection And Penalty Regime, Art. 56 on penalties
26. Sweden	Yes	Yes	✓	✓	✓	CGC Licence conditions require annual reporting 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.
27. UK	Yes	Yes	✓	✓	✓	<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>

**Table A4**

<b>Legal References</b>		
<b>Member State</b>	<b>MSS / CGC Auth. Public?</b>	<b>National legal reference</b>
1. Austria	No	Decision on allocation of spectrum reflected in national radio frequency table, BGBl. II - Ausgegeben am 12 October 2009 - Nr. 333 at page 156 and 159, referring to Decision 626/2008/EC
2. Belgium	No	None specific
3. 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
4. Cyprus	Not yet granted	2004 Law on Electronic Communications (Law 112 (I) / 2004 as amended) and 2004 modification of the 2002 Law on Radio communications
5. 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).
6. Denmark	Not yet granted	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)
7. Estonia	Not yet granted	Electronic Communications Act 2005 as amended (no specific reference to MSS) 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”
8. 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.
9. 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
10. 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)
11. Greece	Unknown	Telecommunication law 3431/2006

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
12. Hungary	Not yet granted	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. 35/2004. (XII.28.) IHM of the Ministry of Informatics and Communication on the rules of the use of frequency bands; 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>
13. Ireland	Not yet granted	Authorisation Regulations established under European Communities (Electronic Communications Networks and Services)(Authorisation) Regulations 2003, SI No. 306 of 2003 Spectrum Right of Use (wireless telegraphy licence) for the CGC to be issued under the Wireless Telegraphy Act 1926.
14. Italy	No	Legislative Decree 1 August 2003, No 259 - Electronic Communications Code; contributions to be paid are those shown in Annex 10 to this Code, with regard to satellite services.
15. 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, 1 July 2009 decision Nr.192, "rules for spectrum usage rights" issued under the Electronic Communications Act
16. Lithuania	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-1554, 2009-12-29, Official Gazette 2009, no. 159-7277 (2009-12-31) and No. 1V-355, 2010-03-22, Official Gazette 2010, no. 34-1653 (2010-03-25)
17. Luxembourg		Loi du 30 mai 2005 sur les réseaux et les services de communications électroniques Loi du 30 mai 2005 portant organisation de la gestion des ondes radioélectriques
18. 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> )
19. Netherlands	Not yet granted	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'.
20. Poland		Generally Telecommunications Law of 16 July 2004; ordinance may be adopted for specific MSS service

Legal References		
Member State	MSS / CGC Auth. Public?	National legal reference
21. Portugal	Not yet granted	To be determined
22. Romania	No	Implemented through the national radio frequency plan, see version of November 2009
23. Slovakia	Not yet granted	National Frequency Allocation Table; See also Act No. 610 of 3 December 2003 on Electronic Communications: <ul style="list-style-type: none"> <li>• paragraph 12 and 14 (provision of networks and services)</li> <li>• paragraph 35 sections 3 (permissions for operation of radio facilities)</li> <li>• paragraph 13 (general authorisation)</li> <li>• paragraph 32 and 34 (individual authorisation),</li> </ul>
24. 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
25. Spain	No	Pending authorisation structure; National radio frequency table (CNAF 2010) refers to Decision 626/2008/EC for the two MSS bands in note UN 48, 15 April 2010 (See annex on usage national at page 17). Note UN 48 will be updated with reference to Decision 2009/449/EC (pending)
26. Sweden		Licence for radio transmitters required under Electronic Communications Act (2003:389)
27. UK	No	The 2 GHz Frequency Band (Authorisation of Systems Providing Mobile Satellite Services)(European Union) Regulations 2010, Statutory Instrument 2010 No. 672 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 necessary for CGC licences require consultation, not yet issued as of December 2010

## ANNEX 2 – MSS AUTHORISATION AND FEES TABLE

MSS Auth:	Unknown or TBD	LE or GA	IR	IR w/ CGC					
MSS Fees:					Unknown or TBD	None	Annual	Other	Revenue based
AT		✓				✓			
BE	✓				✓				
BG	✓ ?				✓				
CY				✓	✓				
CZ		✓				✓			
DK		✓				✓			
DE				✓				One time €3K*	
EE		✓				✓			
EL	✓				✓				
FI		✓				✓			
FR			✓				€15K		
HU			✓			✓			
IE	✓				✓				
IT			✓				€25K		
LV			✓						0.17%
LT			✓				€4.1K		
LU		✓					€2.5K		0.4%
MT			✓		✓				
NL	✓				✓				
PL		✓				✓			
PT	✓				✓				
RO			✓				€3.6K		
SK			✓		✓				0.08%**
SI			✓			✓			
ES				✓				Combined €74.1K	
SE		✓							Notice fee of 0.14% > €500K revenues Supervision fee of 0.0025% > €500K revenues
UK			✓			✓			
Total	6	8	10	3	9	9	5	2	4***

? Based on unconfirmed information – no response from BG.

\* Possible other fees to be determined

\*\* Administrative fee of €6.5 specified together with service fee based on revenue percentage; other spectrum fees yet to be determined

\*\*\* One revenue-based entry is for SK, which also proposes other fees to be determined. Another is for LU, which applies both fixed and percentage based fees. Thus total number of country entries for MSS fees is 29, due to double counting SK and LU.

**LE** Licence Exemption

**GA** General Authorisation

**IR** Individual Right of use

## 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 €34,88. [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 = €34.88K]		€523.2K	
BE	✓				✓	Annual network fee of €510 and one time €619; spectrum fee not yet determined		Unknown	
BG	✓ ?				✓ ?			Unknown	
CY		✓		N	✓			Unknown	
CZ		✓		N		Per kHz fee: Proposed 1600 kc/1 kHz of frequency used (equivalent to €65.1 / kHz)  [€65.1 x 1000 x 2 = €130K]		Proposed €1.95M	
DK			✓	Y		Base station €350 / 1 MHz or nat'l fee €7.5K on 1 MHz unpaired	€15K	€225K	
DE		✓		N		One time €3K**	To be determined	Unknown	
EE			✓	Y		Base station €1.15K	€1.15 min.	€1.15K min.	
EL	✓				✓			Unknown	
FI			✓	Y		Base station €1.4K depending on pop.	€1.4K min.	€1.4K min.	
FR		✓		N		Regional coverage €16.3K		Unknown	
HU		✓		N		Modest base station fee plus other fees	€37.3K	€560K	Plus 0.212%
IE	✓				✓	Proposed €1 – 2M	Proposed €67 – 133K	Proposed €1 – 2M	
IT		Partial ?				Per MHz fee: Proposed €7M/ 2 x 5 MHz**	Proposed €1.4M	Proposed €21M	
LV	✓					Per MHz fee: €6.54K / 2 x 1 MHz	€6.54K	€98.1K	
LT		✓		N		Per MHz fee:	€8.2K	€123K	

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
						€4.1K / MHz			
LU	✓					Proposed €1.0K		Cannot calculate	Plus 0.4%
MT	✓				✓			Unknown	
NL	✓				✓			Unknown	
PL	✓			N		Base station €2.5K		Unknown	
PT	✓				✓			Unknown	
RO			✓	Y		Per MHz fee: €240K / 2 x 1 MHz national coverage; € 60K for 1 MHz unpaired band	€240K	€3.6M	
SK	✓				✓			Unknown	
SI		✓				€36K		€36K	Unconfirmed %
ES		✓				Combined €74K		€74K	
SE			✓	Y		€82.5K total allocation	€5.5K	€82.5K	Plus MSS revenue %
UK		✓*		Y		€643K 2 x 1 MHz	€643K	€9.65M	
<b>Total (including ? and partial)</b>	11	10	6	7 Y 7 N Remaining 13 unknown	9			EST €38.9M to €39.9M for 14 countries; 13 unknown or impossible to calculate	

- ? Based on unconfirmed information.
- \* Necessary statutory instruments pending, under consultation
- \*\* Possible other fees to be determined

## ANNEX 4 – CONCLUSIONS ON AUTHORISATION STRUCTURES

Member State	1. Structure complete	2. Acknowledged not complete	3. Unknown (presumed incomplete)	4 Study conclusion: not complete (in addition to-category 2)	Comments – What's missing?
AT	✓				
BE		✓			CGC structure not in place
BG			✓		No details provided
CY				✓	Determination on fees not complete
CZ		✓			General rules not complete – projected determination by May 2011
DK	✓				
DE				☒	No determination on CGC non-repeater function
EE	✓				
EL		✓			No details provided except that all is under study
FI	✓				
FR				✓	Main MSS licence in place and CGC regional testing authorised; no determination on CGC non-repeater function, consultation pending on gap filler function
HU				✓	Fee structure not complete – but note complex fee and application structure (details not confirmed by NRA)
IE		✓			Consultation pending
IT				✓	Nothing officially published; no specific regulations – all pending
LV				✓	Duration, terms and conditions not specified until application filed
LT				✓	Duration, terms and conditions not specified until application filed
LU		✓			CGC regulations pending
MT				✓	Duration, terms and conditions not specified – projected end of 2010
NL		✓			GCG structure not specified – projected end of 2010 to early 2011
PL				✓	Duration, terms and conditions not specified until application filed; no determination on CGC non-repeater function
PT		✓			Consultation pending (not yet started)
RO	✓				Note extremely high fee structure
SK		✓			MSS and CGC fees in development
SI				✓	Fee structure may not be complete; revenue fee percentage not confirmed
ES		Partial ✓			CGC regulation is under way (legislation pending)
SE	✓				
UK	☒			Partial ✓	Main statutory instrument in place; three other statutory instruments required for CGC terminals and fees are pending
Total (including partial)	✓ 6 Plus UK ☒ = 7	9	1	✓ 11 Minus UK ☒ = 10	Conclusion that six, possibly seven, national regulatory structures are completely in place, permitting full range of MSS operator services

☒ = indicates regulatory structures virtually in place with some missing elements