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From:	European Economic and Social Committee
To:	General Secretariat of the Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the procedure for authorisation of systems providing mobile satellite services using the harmonised 2 GHz frequency band and repealing Decision No 626/2008/EC - Opinion of the European Economic and Social Committee (EESC)

Delegations will find attached the opinion adopted by the European Economic and Social Committee on the above-mentioned proposal.

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OPINION

European Economic and Social Committee

Authorisation of Mobile Satellite Services

Proposal for a Regulation of the European Parliament and of the Council on the procedure for authorisation of systems providing mobile satellite services using the harmonised 2 GHz frequency band and repealing Decision No 626/2008/EC
(COM(2026) 311 final - 2026/0134 (COD))

TEN/893

Rapporteur: **Miroslav HAJNOŠ**

Advisor	Filip ŠANDOR (to the rapporteur)
Legislative procedure	EU Law Tracker
Referral	European Parliament, 25/6/2026; Council of the European Union, 23/7/2026
Legal basis	Articles 114 and 304 of the Treaty on the Functioning of the European Union
European Commission documents	COM(2026) 311 final Summary of COM(2026) 311 final
Relevant Sustainable Development Goals (SDGs)	SDG 9 – Industry, Innovation and Infrastructure
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted in section	4/9/2026
Adopted at plenary session	23/9/2026
Plenary session No	608
Outcome of vote (for/against/abstentions)	199/0/3

1. RECOMMENDATIONS

The European Economic and Social Committee (EESC)

- 1.1 welcomes the proposal to replace Decision No 626/2008/EC with a directly applicable Regulation establishing EU-level selection and authorisation for the harmonised 2 GHz mobile satellite services (MSS) band; considers timely adoption important to ensure service continuity and regulatory certainty for investment, given that the existing rights of use are due to expire in May 2027; stresses the importance of an effective role for Member States in coordinated monitoring and in the enforcement of Commission decisions; recalls that, in its 2007 opinion on mobile satellite services, the EESC supported a Community-coordinated selection procedure and a consistent authorisation approach across the Member States¹;
- 1.2 supports satellite Direct-to-Device (D2D) connectivity, which can extend mobile coverage beyond the reach of terrestrial networks and provide supplementary connectivity when terrestrial networks are disrupted; stresses that its deployment should particularly benefit underserved rural, remote, island, mountainous, border and outermost areas, thereby contributing to territorial and digital cohesion, and helping to reduce regional disparities by improving access to services and supporting regional development; calls for clear, measurable and technologically neutral criteria for determining whether the space-based component carries the predominant share of total data traffic and whether the use of complementary ground and airborne components remains consistent with their complementary function; stresses that coverage reporting should be complemented by indicators on effective service availability, continuity and quality; stresses that services should be accessible and affordable, including for persons with disabilities, and that users should receive transparent information on actual service availability and limitations;
- 1.3 supports dedicating two contiguous paired blocks of 5 MHz to a secure MSS/hybrid system subject to robust EU establishment, control and security requirements; welcomes its integration with IRIS² and its role in supporting the future EU Critical Communication System (EUCCS), with secure governmental communications retaining unconditional priority; calls for transparent capability and security benchmarks and clear arrangements for integration and operational responsibilities; notes that the selected operator may also apply for commercial spectrum and stresses that any assessment of competition should take account of its aggregate secure and commercial spectrum rights;
- 1.4 welcomes the dedicated selection procedure for Union new entrants and the cap limiting the commercial spectrum assigned to any single applicant to a paired block of 10 MHz; recommends that the priority given to Union new entrants to obtain two of the four paired blocks of 5 MHz available for commercial MSS be explicitly reflected in the binding provisions through a clearly defined selection mechanism; stresses that the weighting of selection criteria should give much greater importance to quality, innovation and competition than to the amount of the one-off financial contribution; calls for clarification of the scope and timing of the requirement for applicants to provide clear evidence of a binding agreement for the

¹ EESC opinion on *Mobile satellite services*, [OJ C 44, 16.2.2008, p. 50](#).

manufacture, within the territories of the Member States, of the satellites of the MSS system covered by the application, so as to ensure that the requirement is proportionate and does not create unjustified barriers for credible Union new entrants and smaller operators;

- 1.5 supports the obligation to provide services in all Member States and to cover at least 95% of the population and at least 90% of the aggregate land area of each Member State within five years of continuous MSS commencing; recommends measurable intermediate deployment and coverage milestones, accompanied by transparent progress reporting; calls for the assessment of efficient spectrum use to take account of the applicable deployment milestones and the date of commencement of continuous MSS;
- 1.6 welcomes the obligation for commercial MSS operators to provide wholesale access under objectively justified, transparent, proportionate and non-discriminatory conditions, as well as the restriction on exclusive retail agreements where an operator supplies more than 50% of wholesale or retail MSS in a Member State; calls for a clear methodology for calculating this threshold, including the relevant market, measurement indicator and reference period; stresses that wholesale-access requests should be handled within a defined reasonable period and that the applicability of the proposal's dispute-resolution procedure to wholesale-access disputes should be expressly confirmed;
- 1.7 supports the limited two-year extension of the existing rights of Viasat and EchoStar, upon request and without the possibility of transfer, lease or sublease, in order to preserve service continuity; calls for the initial 20-year duration of the new rights and any renewal for a similar period to be supported by a transparent, evidence-based assessment of investment, technological, market and competition conditions; stresses that the new selection procedure should be launched in sufficient time for the new rights to take effect when the transitional period ends;
- 1.8 supports coordinated EU-level monitoring and enforcement; calls for the detailed implementing arrangements to clearly allocate responsibilities between the Commission and national authorities, make effective use of national technical expertise and establish transparent procedures and reasonable deadlines, while ensuring proportionate enforcement and full respect for the rights of defence; recommends publishing regular non-confidential information on compliance and enforcement; calls for structured dialogue with relevant stakeholders during implementation and any future review of the Regulation, including consumer and civil society organisations, scientific and technical bodies, emergency and civil protection services, and local and regional authorities;
- 1.9 welcomes robust cybersecurity, data-security and supply-chain safeguards; considers that the application of admissibility conditions linked to third-country jurisdiction would benefit from clear, objective, proportionate and reviewable criteria applied consistently across the EU; calls, in particular, for further clarification of the form, basis and period of relevance of public statements concerning malicious cyber activities attributed to threat actors operating from a third country, and for their consistent application in the EU selection procedure; considers that environmental sustainability should be a minimum authorisation requirement and not merely one of several criteria used to rank commercial applicants; calls for comparable and

independently verifiable lifecycle environmental requirements for both the secure MSS/hybrid system and commercial MSS systems;

- 1.10 notes with concern that the Commission's explanatory memorandum identifies no impact on fundamental rights, even though the proposal contains provisions concerning data retention, lawful interception, electronic evidence and the routing of communications traffic through EU territory; calls for a specific assessment of the proposal's impact on the rights to privacy, data protection, freedom of expression and effective judicial remedy.

2. **EXPLANATORY NOTES**

Arguments in support of recommendation 1.1

- 2.1 Decision No 626/2008/EC led to the EU-level selection of two operators in 2009. The 30 MHz available in each transmission direction in the 2 GHz MSS band was divided equally between them: each operator was assigned 15 MHz in the 1 980–2 010 MHz Earth-to-space band and a corresponding 15 MHz block in the 2 170–2 200 MHz space-to-Earth band. The rights granted under the existing framework are due to expire in May 2027, while the proposal provides for a limited transitional extension upon request. Since the existing framework was adopted, multi-orbit constellations and Direct-to-Device connectivity have emerged, and resilient governmental and critical communications have assumed greater importance. These developments justify a timely update of the EU framework.

Arguments in support of recommendation 1.2

- 2.2 The proposal recognises that satellite D2D can improve connectivity in underserved and remote areas and that MSS can provide supplementary connectivity when terrestrial networks are disrupted. In such areas, reliable satellite connectivity can support entrepreneurship and enable use of satellites in agriculture, energy, transport, logistics, environmental monitoring and industrial operations. Its minimum population and land-area coverage thresholds provide a useful common baseline, but do not by themselves demonstrate that a service is actually available to users with adequate continuity and quality. Moreover, the proposal requires the space-based component of commercial MSS to carry the predominant share of total data traffic, while indicating that commercial hybrid systems should not be allowed. It does not further specify how that predominant share should be calculated or how compliance with the complementary function of ground and airborne components should be assessed. Clear, measurable and technologically neutral implementation criteria would make consistent monitoring and enforcement easier.

Arguments in support of recommendation 1.3

- 2.3 The operator selected for the secure MSS/hybrid system would receive 10 MHz in each transmission direction and may also apply for up to a further 10 MHz in each direction for commercial MSS. If successful in the commercial selection procedure, the same undertaking could therefore hold rights to use up to 20 MHz of the 30 MHz available in each direction. The commercial spectrum cap does not include the spectrum assigned for the secure system.

Although the proposal includes competition among the commercial selection criteria, the assessment should take account of the undertaking's aggregate secure and commercial spectrum rights, without presuming that their combination would adversely affect competition.

Arguments in support of recommendation 1.4

- 2.4 Transparent weighting of the selection criteria is necessary to ensure a verifiable comparison of applications and to reduce the risk that the financial contribution disproportionately favours the largest and best-capitalised operators. The Annex requires applicants to demonstrate a binding agreement for the manufacture of the satellites of the proposed system within the territories of the Member States. This requirement may strengthen the EU's industrial capacity and competitiveness, but its scope should be clarified and it should be applied proportionately so that it does not create an unjustified barrier to participation, particularly for credible EU new entrants and smaller operators.

Arguments in support of recommendation 1.5

- 2.5 Applying the minimum coverage thresholds separately to each Member State prevents strong performance in larger markets from compensating for gaps elsewhere. Although the proposal provides for deployment milestones, annual reporting and the binding nature of commitments made in applications, it does not establish common intermediate coverage targets during the five-year implementation period. Measurable milestones and transparent progress reporting would allow delays to be identified before the final deadline. The coverage deadline runs from the commencement of continuous MSS, whereas withdrawal on grounds of inefficient spectrum use may be considered five years after the authorisation is granted. As these periods may begin on different dates, their relationship should be clarified to ensure consistent and proportionate enforcement.

Arguments in support of recommendation 1.6

- 2.6 Since only a limited number of operators can hold rights to use the available spectrum, mobile operators, virtual operators, IoT providers and other downstream businesses may depend on wholesale access. Delayed or discriminatory access could enable a vertically integrated holder to favour its own retail services or selected commercial partners. The wholesale-access obligation applies to all commercial authorisation holders, whereas the 50% threshold triggers a separate restriction on exclusive retail agreements, which can be applied consistently only if the relevant market, measurement method and reference period are defined. The proposal contains a general dispute-resolution procedure; expressly confirming that it applies to wholesale-access disputes would strengthen legal certainty.

Arguments in support of recommendation 1.7

- 2.7 The transitional extension is intended to preserve existing services while the new selection procedure is completed. Its limited duration and the prohibition on transferring, leasing or subleasing the rights prevent it from replacing the new framework; the selection procedure should therefore be conducted in time to avoid a gap in service after the extension expires.

Arguments in support of recommendation 1.8

- 2.8 Under the proposal, a national competent authority that suspects non-compliance must bring the matter to the attention of the Commission and the Radio Spectrum Policy Group. The Commission examines the alleged breach and may adopt corrective measures or sanctions, which are then enforced by the national authorities. Since the practical arrangements for this cooperation are left to subsequent implementing acts, operational clarity is important at each stage, from detecting and reporting a possible infringement to adopting and enforcing the resulting measures. Regular publication of non-confidential information would support public accountability while protecting commercially sensitive and security-related information. Structured dialogue with relevant stakeholders would complement institutional monitoring by allowing consumer, scientific, operational and place-based experience to inform implementation and any future review of the Regulation.

Arguments in support of recommendation 1.9

- 2.9 The proposal makes applicants ineligible where they are subject to certain third-country obligations concerning the disclosure of software or hardware vulnerabilities. The same may apply where a public statement by the EU or a Member State attributes malicious cyber activities to threat actors operating from the third country whose jurisdiction applies to the applicant. The proposal identifies who may make such a statement and what it must concern, but does not further specify its form, the basis on which it is to be made, or the period during which it is to be taken into account. Given its possible effect on admissibility, further clarification would enhance legal certainty and consistent application. Environmental impact is included as a criterion in the second phase of the commercial selection procedure, but no equivalent criterion is provided for the secure MSS/hybrid system. Environmental impact should not be merely one scoring criterion that may be outweighed by stronger performance under other selection criteria. Every operator should meet minimum environmental conditions.
- 2.10 The proposal involves the processing and routing of sensitive communications and includes measures that may interfere with fundamental rights. These should therefore be accompanied by a specific impact assessment, clear legal safeguards, independent oversight and effective remedies.

3. PROPOSED AMENDMENTS TO THE LEGISLATIVE PROPOSAL OF THE EUROPEAN COMMISSION

Amendment 1

linked to recommendation 1.4

Article 5, point 2, paragraph b

Text proposed by the European Commission	EESC amendment
(b) the admissibility and eligibility requirements, and the selection criteria and their weighting;	(b) the admissibility and eligibility requirements, and the selection criteria and their weighting, <i>ensuring that environmental</i>

	<i>sustainability is adequately reflected and that the criterion relating to the one-off financial contribution carries less weight than the criteria relating to quality, innovation and competition;</i>
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Reason
Recital 29 states that applicants should be selected predominantly on the basis of quality, innovation and competition and that the one-off financial contribution should receive a lower weighting. Reflecting this principle in Article 5(2)(b) would provide legal clarity and ensure that applications can be compared in a transparent and verifiable way. The proposal already recognises the overall environmental impact of the system as a relevant public-policy consideration in the selection of commercial MSS operators. Given the long duration of the rights of use and the environmental impact associated with satellite systems throughout their lifecycle, environmental sustainability should also be adequately reflected in the weighting of the selection criteria and should not be outweighed by the amount of the one-off financial contribution. This would ensure an appropriate balance between economic considerations and environmental responsibility in the selection process.

Amendment 2

linked to recommendation 1.8

Article 19, point 3, paragraph b

Text proposed by the European Commission	EESC amendment
(b) suspension or withdrawal of the Union authorisation. [...] The Commission shall launch a new selection procedure in accordance with Article 3 of this Regulation for the reassignment of the radio spectrum subject to withdrawal of Union authorisation.	(b) suspension or withdrawal of the Union authorisation. [...] The Commission shall launch a new selection procedure in accordance with Chapter II of this Regulation for the reassignment of the radio spectrum subject to withdrawal of Union authorisation.

Reason
Article 3 concerns international coordination and does not establish a selection procedure. The selection procedure is laid down in Chapter II. Correcting this cross-reference is therefore necessary to ensure legal clarity and the effective application of the provision.

Brussels, 23 September 2026.

The President of the European Economic and Social Committee
Séamus BOLAND

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N.B.:

Appendix

overleaf.

APPENDIX to the OPINION
of the
European Economic and Social Committee

**LIST OF INTEREST REPRESENTATIVES
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following interest representatives (organisations and/or self-employed individuals) in the preparation of the opinion on the Authorisation of Mobile Satellite Services:

Organisations and/or self-employed individuals
European Commission, DG CONNECT, Unit B.4 – Spectrum Policy
European Union Agency for the Space Programme (EUSPA)
Slovak Space Office
Ministry of Transport of the Slovak Republic, Department of Electronic Communications