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NOTE

From:	General Secretariat of the Council
To:	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 (Text with EEA relevance) - General approach = *Statement by Luxembourg*

Luxembourg has requested that the following statement be entered in the Council minutes

Luxembourg wishes to underline its concerns regarding certain aspects of the proposed framework, in particular Articles 6, 9 and 10.

Given the strategic nature of Mobile Satellite Services, it is essential that the entity holding the right of use also demonstrates the necessary expertise, technical capabilities and operational responsibility to effectively operate and control the satellite system. The provisions in the current version of the relevant provisions in the proposed Council mandate risk creating a separation between the entity, consortium or joint venture holding the right of use and the satellite operator responsible for financing and operating the satellite system, potentially allowing critical responsibilities, including satellite filings and authorisations, to be subcontracted.

Luxembourg also wishes to raise questions regarding the practical and economic viability of the proposed framework, notably whether satellite network operators (SNOs) would retain sufficient incentives to invest if their role was limited to a subcontractor and whether such a model would be financially sustainable in the long term.

Finally, Luxembourg believes that terrestrial and satellite network operators and service providers are natural partners, whose close cooperation is necessary in order to deliver Mobile Satellite Services successfully to different user groups at a global scale, whereas each partner will focus on its specific domain of expertise. To ensure every interested user has access to these services, it is essential that the satellite service is offered on a fair, open and non-discriminatory basis inside and outside the Union by the selected SNO. Luxembourg highlights its concern that a directly applicable binding legal instrument could lead to excessive market concentration and give a limited number of large terrestrial network operators and service providers disproportionate control over the supply of MSS services in the 2GHz band in Europe.

Luxembourg considers that these issues deserve further consideration and looks forward to continuing to work constructively with Member States, the European Parliament, and the European Commission on the outstanding technical questions and points of concern, with a view to ensuring a balanced, sustainable, and future-proof framework for Mobile Satellite Services.