Council of the European Union
General Secretariat

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Brussels, 11 June 2026

WK 8426/2026 INIT

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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Telecommunications and Information Society
Subject:	EU 2 GHz MSS Band-Article by Article Examination: Presentation

Delegations will find in the annex the presentation given in the Working Pary on 11 June.

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11 June 2026

EU 2 GHz MSS Band

Article by Article Examination

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

European Commission, DG CNECT

Art. 1- Subject matter and aims

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1. Subject matter

a) **Comparative Union procedure for selecting holders of the right to use spectrum** in the 2 GHz mobile satellite services (MSS) band and

b) Procedure for **authorising those holders to use that spectrum** for the provision of MSS systems or hybrid systems **under common conditions in the entire Union**.

2. Aims

a) Support the internal market for MSS

b) C**ontribute to the Union's security and preparedness through dedicating 2x10 MHz for the provision of a secure MSS/hybrid system** for secure, resilient, high-quality, and cost-effective **governmental communication services to authorised governmental users**.

c) S**upport the Union's competitiveness, resilience, technological sovereignty and economic security** by selecting and **authorising one or more Union new entrants** for 2x10 MHz.

Art. 2 – Definitions – Most relevant

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General

- ‘complementary airborne components’
- ‘continuous provision of MSS’
- ‘hybrid system’

EU secure MSS/hybrid system

- ‘secure governmental communications services’
- ‘dedicated governmental network layer’
- ‘secure MSS/hybrid system’
- ‘security of the supply chain’

Commercial MSS system

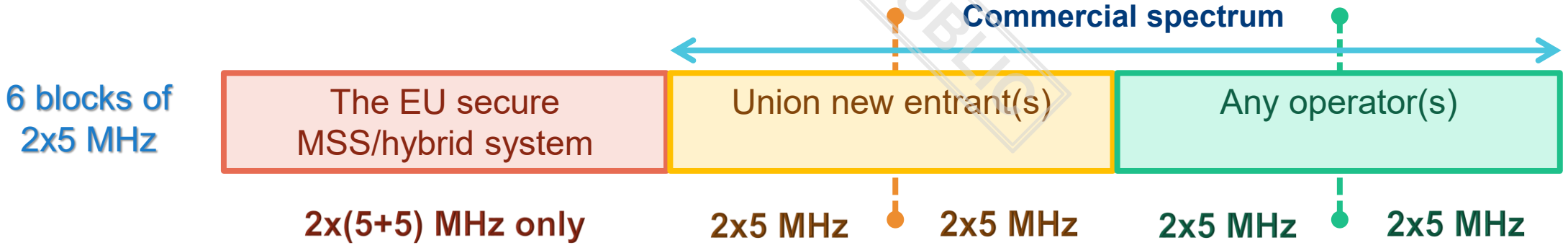
- ‘Union new entrant’
- ‘control’
- ‘executive management structure’

Art. 3 – International Coordination

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- **Who:** Commission in charge to cooperate with immediate geographic neighbourhood of the Union, including the Arctic region.
- **What**: facilitate consistency/alignment in the authorisation and international (spectrum) coordination (link with the delegated act).
- **How:** Commission with the RSPG to **promote cooperation with competent authorities of third countries.**
- **Why:** Maximise **coverage** across borders, the **efficient use** of the 2 GHz MSS band in the Union and globally, and the added value through technology transfer.

Art. 4 – General Rules for Assignment



Comparative selection procedure organised by **EC under comitology (COCOM)**

- Open, transparent, non-discriminatory and proportionate → OJ publication.
- **Fair and non-discrimination** participation conditions → **single undertakings or joint ventures.**
- **Spectrum cap only** for **commercial** MSS systems: **2x10 MHz per operator**.
- The operator of the **secure** MSS/hybrid system also qualifies as **Union new entrant** and may acquire **additional** (up to) 2x10 MHz for commercial use: i.e. **max 2x20 MHz.**
- Different **use cases** for **commercial** MSS systems: (i) broadband: 2x5 (minimum) or 2x10 MHz; narrowband / IoT: up to 5x (2x1 MHz) in a single shared 2x5 MHz block.
- **Multiple applications** are possible for **commercial** MSS systems (including for blocks of different category). A commercial application may be conditional on obtaining a certain minimum amount of spectrum.
- EC to seek advice and assistance from a **panel of external experts.**
- **EC right not to assign spectrum** for the secure MSS/hybrid system.

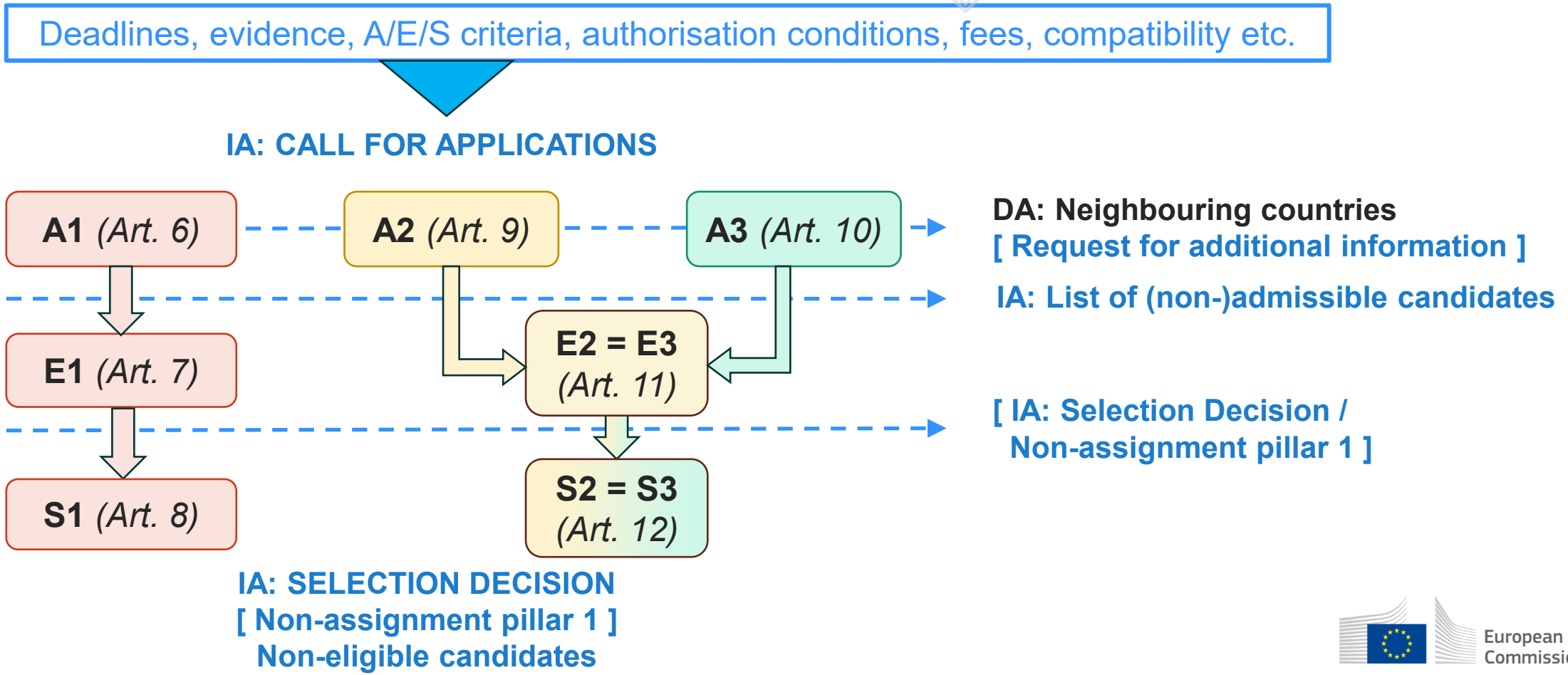
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Art. 5 – Comparative selection procedure (Art. 6 – 12)

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Maximum 3 phases – admissibility (**A**), 1st selection – eligibility (**E**) and 2nd selection (**S**).
Parallel across all **3 system categories / pillars** – secure (**1**), EU new entrant (**2**) and general (**3**)



Art. 6, 9 and 10 – Admissibility phase

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- **Different admissibility requirements** for secure MSS/hybrid system and commercial MSS systems for EU entrant & open to all applicants:
  - **secure MSS/hybrid system** - the strictest admissibility requirements regarding establishment and control (similar to those of Union Space Programme), guaranteeing sovereignty
  - **commercial MSS system open to EU new entrant** - establishment and control requirements as for secure MSS/hybrid system + other requirements as for commercial MSS system open to all applicants
  - **commercial MSS system open to all applicants** – more relaxed admissibility requirements on establishment and control, however certain security related requirements (cyber & data security)
- **Common provision** on fulfilment of requirements in case of joint venture and on specification of contributions (all three systems), and on requested spectrum and on ITU filings from third countries
- Possibility to **admit candidates for secure MSS/hybrid system** to geographically neighbouring countries when significant added value in access to specific technology, goods & services or coordination; delegated act for specifying conditions

Admissibility Requirements – Art. 6.1, 9.1 and 10.1

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Secure MSS/hybrid system	Commercial MSS system EU new entrant	Commercial MSS system All applicants
Establishment in the EU		Establishment in the EU or single point of contact in the EU
Directly or indirectly controlled only by the EU, MSs or natural persons with only MSs' nationality		
No third country (national) control		
No third country jurisdiction obligations		If controlled of a third-country (legal entity), to demonstrate measures to prevent access by a third-country (entity) to customer data
Support and promotion of the EU/MSs security and defence interests		
All relevant operational activities carried out in one or more Member States		
	Full control over their corporate structure and decision-making process	
	Not to contravene the security and defence interests of the Union and its Member States	
	Cybersecurity and data security	
Appropriate ITU filings from MSs	Appropriate ITU filings	

Admissibility Requirements – Art. 6, 9 and 10 (cont.)

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Secure MSS/hybrid system	Commercial MSS system EU new entrant	Commercial MSS system All applicants
	For 3rd country ITU filing, provision of evidence on administration accountability and effective management and dispute resolution of harmful interference (Article 9.2 and 10.2)	
Fulfilment of admissibility requirements when applicant is a joint venture (Article 6.2, 9.3 and 10.2)		
	Statement and evidence on requested spectrum blocks (Article 9.4 and 10.4)	
Specification of one-off financial contribution for the right of use of a paired block of 5 MHz in the 2 GHz MSS band band per 5 MHz paired block (or part of it) (Article 6.4, 9.5 and 10.5)		

First Selection Phase – Art 7 and 11

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a) to show satisfactory compliance with pre-requisites (milestones) 1 to 4 in the **Annex:**
   1. Compliance with international regulation
   2. Satellite manufacturing
   3. Satellite launch agreement
   4. Gateway Earth Stations

b) to commit to **provide availability of satellite services in all Member States** and to at least 95% of the population and over at least 90% of the aggregate land area of each Member State no later than five years from the date of commencement of the continuous provision of MSS;

c) to **commit to landing of traffic**, which is generated using all services by end-users located in the Union territory or routed to or from the Union, within the Union territory;

d) to **demonstrate technical and financial capacity**, and readiness for the development, launching and operation of the proposed system and provision of services by the date of commencement of the continuous provision of MSS;

e) to ensure a **high level of security** of **at least for the key components** of the system **supply chain;**

The secure MSS system (Art 7.1)

f) to ensure that at **least the key components manufactured in the EU** and integrate Union technologies;

g) to ensure **integration with existing and future capacities of IRIS²** secure communications services through the setting of a dedicated **governmental network layer;**

h) to commit to provide the capacity for back-up and complementary coverage D2D **of EUCCS**;

i) to **demonstrate security of operation**, ensure no possibility for third party intervention;

j) demonstrate that **EU classified information (EUCI) and non-classified** effectively protected

Commercial MSS systems (Art 11.1)

f) to demonstrate **security of operations**, including by ensuring that, for all data generated and routed in the Union territory;

g) there is **no possibility for a third party's intervention** in the provision of the service;

h) sensitive information relating to the provision of the service is effectively protected from **unauthorised access**;

i) to demonstrate that the **integrity, security and resilience of services** are ensured by EU-accountable entities;

j) to ensure the **efficient use of spectrum**.

First Selection Phase – Art 7 and 11 (cont.)

The secure MSS system

Article 7.2

The selection procedure shall be deemed **complete** after the first selection phase, if **only one admissible applicant is considered eligible**.

The Commission shall, by **means of implementing act**s, adopt a reasoned **decision on selecting** that applicant for the right of use of the 2 GHz MSS band for the secure MSS/hybrid system. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(3).

Article 7.3

The Commission **may decide not to assign** the portion of the 2 GHz MSS band referred to in Article 4(1) point (a) where it concludes that, despite fulfilling the admissibility and eligibility requirements, **none of the applicants has convincingly demonstrated a high-level of capability for the deployment and operation of a secure MSS/hybrid system**.

In such a case, the Commission may **relaunch the selection** procedure for the secure MSS/hybrid system.

Commercial MSS systems

Article 11.2

The selection procedure **shall be completed** after the first selection phase, if the total amount of spectrum required by all **eligible applicants does not exceed the amount of spectrum available** for commercial MSS systems.

The Commission shall, by **means of implementing act**s, adopt a reasoned **decision on selecting** that applicant for the right of use of the 2 GHz MSS band for the secure MSS/hybrid system. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(3).

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Second Selection Phase – Art. 8 and 12

The secure MSS system (Art 8.1)

a) population and geographic coverage in the Union within **ten years** from the date of commencement of provision of MSS,

   i. **degree of population coverage in the Union**, based on the population in residential or business areas, including high-latitude polar areas within the Union territory;
   ii. **degree of geographical coverage in the Union**, based on the aggregate land area and on the exclusive economic zones and territorial waters of all Member States;
   iii. the degree of **geographical coverage outside the Union**, based on the service area of the system within territories of non-EU countries and high seas;

b) the **schedule of availability** of services across all Member States within ten years from the date of commencement of the continuous provision of MSS;

c) public policy objectives, integrity, security and resilience of the services, are achieved;

d) the capacity of an MSS system to be **integrated in a hybrid system**, and to provide **multiple orbit layers**;

Commercial MSS systems (Art 12.1)

a) population and geographic coverage in the Union within **ten years** from the date of commencement of provision of MSS,

   i. **degree of population coverage** in the Union, based on the population in residential or business areas, including high-latitude polar areas within the Union territory;
   ii. **degree of geographical coverage in the Union**, based on the aggregate land area and on the exclusive economic zones and territorial waters of all Member States;

b) the **schedule of availability** of services across all Member States within ten years from the date of commencement of the continuous provision of MSS;

c) the extent to which the system **enables dual-use**;

d) Union added value, in accordance with the following sub-criteria;
   i. reinforces the **Union's industrial capabilities** across the digital technology supply chain, inter alia in terms of design, construction, launch and operation of the satellites, including the software;
   ii. the **level of integration of Union technologies**, including the use of results stemming from Union funded research and innovation programs

e) the public policy objectives, integrity, security and resilience of services;

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Second Selection Phase – Art. 8 and 12 (cont.)

The secure MSS system (Art 8.1)

e) the quality, **suitability and robustness of integration with IRIS2**, as specified in the call for applications.

f) the extent to which the system enables **dual-use**;

g) Union added value, in accordance with the following sub-criteria;
   - i. **reinforces the Union's industrial capabilities** across the digital technology supply chain, inter alia in terms of design, construction, launch and operation of the satellites, including the software;
   - ii. the level **of integration of Union technologies**, including the use of results stemming from Union funded research and innovation programs.

h) the scope of secure governmental communications services, including a deployment **path towards the provision of D2D**;

i) the **discount offered** for services to governmental users compared to commercial users (discount rate).

j) the level of **efficient use** of spectrum;

k) the level of implementation of quantum secure communications;

l) the **amount of the one-off financial contribution** for a paired block

Commercial MSS systems (art 12.1)

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e) **consumer and competitive benefits**:
   - i. the schedule of the full-scale provision of service and number of end-users and/or devices served with QoS;
   - ii. the scope of services, including a deployment **path to D2D**;

f) promotion of competition, provision of **wholesale access**;

g) **avoiding threats to competition**, in particular due to the possible creation or strengthening of a **dominant position**;

h) **efficient use** of spectrum:
   - i. the total amount of spectrum required;
   - ii. capacity characteristics of aggregated data stream, antenna systems, types of payloads, frequency reuse, orbit and satellites serving the Union;
   - iii. share spectrum or coexist efficiently with other users;

i) the extent to which public policy objectives, not covered in accordance with:
   - i. protection of health and safety of citizens;
   - ii. ensuring interoperability and regular upgrade;
   - iii. environmental impact of the system;

j) the **amount of the one-off financial contribution** per paired block of 5 MHz or parts of it.

Second Selection Phase – Art 8 and 12 (cont.)

The secure MSS system

Article 8.2

The Commission shall, by **means of implementing act**s, adopt a reasoned **decision on selecting** the highest ranking applicant for the right of use of the 2 GHz MSS band for the secure MSS/hybrid system.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(3).

Article 8.3

The Commission **may decide not to assign** the portion of the 2 GHz MSS band referred to in Article 4(1) point (a) where it concludes that, despite fulfilling the admissibility and eligibility requirements, none of the applicants has convincingly demonstrated a high-level of capability for the deployment and operation of a secure MSS/hybrid system.

In such a case, the Commission may **relaunch the selection** procedure for the secure MSS/hybrid system.

Commercial MSS systems

Article 12.2

The Commission shall, by **means of implementing acts,** adopt a reasoned **decision on selecting** the highest-ranking applicants per paired block of the 5MHz, taking into account the spectrum available.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(3).

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Thank you!



DG CNECT, Radio Spectrum Policy Unit B4

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