Council of the European Union
General Secretariat

PUBLIC

Brussels, 02 July 2026

WK 9823/2026 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 (Art. 13-24 & Annex): Presentation

Delegations will find in the annex the presentation given in the Working Pary on 2 July.

2 July 2026

EU 2 GHz MSS Band

Article by Article Examination (Art. 13-24 & Annex)

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

Union authorisation – Art. 13

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- **Union authorisation for spectrum use** in the 2 GHz MSS band
  - granted by the **Commission**
  - attached **conditions** tailored for **secure MSS/hybrid system** (Article 14) or **commercial MSS systems** (Article 15)
- **General authorisation for provision** of **MSS** and related **satellite networks**, including ground stations and CGC/CAC
  - **included** in Union authorisation for spectrum use
  - attached **conditions** specified by implementing act and based on Annex I, Part A EECC including at least condition related to:
    - integrity, security and resilience;
    - cybersecurity;
    - control over transmission;
    - data retention, lawful interception and electronic evidence in criminal proceedings

Union authorisation – Art. 13 (cont.)

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- **No need** for **notifying** or **requesting separate authorisations** in Member States – same rights and obligations in all Member States.
- Union authorisation is **without prejudice to** spectrum coordination and sharing **obligations** under the **ITU RR**
- A **new right holder for commercial MSS system,** upon an incumbent's request, has to **negotiate** a solution for ensuring continuation of services existing at the time of MSS Regulation adoption for max. 5 years
  - negotiation in good faith
  - incumbents have to give access to infrastructure or IP rights under FRAND terms
  - any dispute may be submitted to arbitration
- **Arbitration seat** for any dispute will be the Union; Commission may resolve disputes addressed to it applying procedure of Article 26 EECC *mutatis mutandis*

Conditions for use – Art. 14 and 15

The secure MSS system

Article 14.1

a) to use the spectrum primarily for the provision of a secure MSS or hybrid system;

b) a one-off financial contribution as proposed in its application and annual fees for its rights of use;

c) services on fair, reasonable and non-discriminatory terms and conditions in all MS to:
   i. a Union or Member State public authority or a body entrusted with the exercise of public authority;
   ii. a natural or legal person acting on behalf and under the control of an entity referred to in point (i);

d) where relevant, to use the available capacity, not used for the full-scale provision of secure governmental communications services, for the provision of commercial MSS services

e) work on behalf of, the Union or a Member State's public authority

f) integration of the secure MSS/hybrid system with the IRIS2 system architecture

g) to use the spectrum efficiently while meeting the requirements set out in Articles 7 and 8 as well as milestones 5 and 6 set out in the Annex within the timeframe specified in the application;

Commercial MSS systems

Article 15.1

a) to use of the spectrum exclusively for the provision of an MSS system.

b) the space-based component of an MSS system carries the predominant portion of the total data traffic;

c) to use the spectrum efficiently while meeting the requirements set out in Articles 10 and 11 as well as milestones 5 and 6 set out in the Annex within the timeframe specified in the application;

d) use consistent with the Union's policies relying on spectrum, avoiding harmful interference and granting access to the 2 GHz MSS band at times of crises

e) to honour any commitments for the entire duration of the right of use of spectrum;

f) a one-off financial contribution as proposed in its application, and annual fees for its rights of use

g) wholesale access under objectively justified, non-discriminatory, proportionate and transparent conditions;

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Conditions for use – Art. 14 and 15 (cont.)

The secure MSS system

h) use consistent with the Union's policies relying on spectrum, by not causing harmful interference to any Union satellite system

i) to honour any commitments for the entire duration of the right of use of spectrum;

j) operation, maintenance, continuous improvement and protection of the satellite and terrestrial infrastructure

k) the protection of EU Classified Information (EUCI) under Article 43 of Regulation (EU) 2021/696;

l) to provide the Commission and the Communications Committee with an annual report detailing the status of development of their proposed system.

Article 14.2

The holder of the right of use for the secure MSS/hybrid systems shall always prioritise the provision of secure governmental communications services over the provision of commercial MSS.

Article 14.3

If inefficient use, the Commission may withdraw the right of use after a period of five years from the date on which the Union authorisation was granted.

Commercial MSS systems

h) no exclusive agreements with providers of retail services, where the selected undertaking supplies more than 50% of the wholesale or retail mobile satellite services in a given Member State;

i) to provide to the Commission and the Committee of an annual report detailing the status of development of their proposed system.

Article 15.2

If inefficient use, the Commission may withdraw the right of use after a period of five years from the date on which the Union authorisation was granted.

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Milestones for an MSS system – Annex

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Background

- Milestones 1 to 4 – Eligibility requirements / first selection phase (Article 7 and 11)
- Milestones 5 and 6 – Authorisation conditions (Articles 14 and 15) ~ committed deadlines
- Check (and match) readiness of (EU) industry

Milestones

1. Compliance with international (ITU) regulations (replacing MSS Decision Milestones 1 and 8) from the date of commencement of continuous MSS provision
   - Evidence of **ITU RR compliance,** including related to **coordination, notification, international agreements**, and **interference mitigation**, as well as submission by the filing administration of required ITU RR **Appendix 4 information**

     [Inspired by the RSPG opinion on D2D and related Single Market issues (June 2025)]
2. Satellite manufacturing (similar to MSS Decision Milestone 2)
   - Evidence of a binding **agreement** with a manufacturing company to **manufacture satellites** required for MSS provision within Member States' territories, identifying construction milestones.

Milestones for an MSS system – Annex (cont.)

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3. Satellite launch agreement (similar to MSS Decision Milestone 3)
   - Evidence of a binding **agreement** with a launching company **to launch the minimum number of satellites** needed for continuous MSS provision within Member States' territories, identifying launch dates, services, and indemnity terms
4. Gateway Earth Stations (almost identical to MSS Decision Milestone 4)
   - Evidence of a binding agreement for the **construction and installation of Gateway Earth Stations** for continuous MSS provision within the territories of the Member States
5. Launch of satellites (almost identical to MSS Decision Milestone 7)
   - Evidence of the **successful launch and in-orbit deployment** of the satellites required for continuous MSS provision within Member States' territories
6. Provision of MSS within the territories of the Member States (similar to MSS Decision Milestone 9)
   - **Evidence of the effective provision** of full-scale continuous MSS within the territories of Member States, using at least the number of satellites identified under milestone 3 ("launch agreement") and covering the geographical area committed in the application from the date of the commencement of the continuous provision of MSS.

Duration and renewal of rights of use – Art. 16

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- **Duration of the right of use**: 20 years, subject to continuous compliance with the admissibility and eligibility criteria and the authorisation conditions of the selected undertaking and any legal successor
- **Renewal**: possible once, upon request, with similar duration and conditions, subject to review of annual fees and one-off financial contribution – unless the Commission decides otherwise
- **Grounds for non-renewal (licenses expire):** public policy objectives, new technical implementing measure implementation, competition distortion, spectrum efficiency, or failure to comply with the conditions attached to the right, significant spectrum value evolution
- **New (re-)authorisation**: the Commission must assign any new rights of use or renew rights with modified conditions in an open and transparent selection/authorisation procedure.
- **Deadline for Commission's decision**: at least 5 years before expiry of the right(s)

Transfer and lease of rights of use – Art. 17

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- **Secure MSS/hybrid system –** rights of use **non transferrable**
- **Commercial MSS systems**
  - **Rights of use transferrable** only to undertakings fulfilling the admissibility and eligibility criteria and the authorisation conditions
  - Transfer or lease subject to an **authorisation by the Commission** upon notification of intention and conditions of transfer or lease by the rights holder
  - **Grounds for non-authorisation:** risk of distortion of competition; transferee/lessee inability to comply with admissibility/eligibility criteria, authorisation conditions and commitments; sovereignty, security & defence risk; spectrum inefficiency or significant service continuity disruption; exceeded spectrum cap;
- Transferee/lessee **bound by the original conditions** attached to the right of use, and the commitments given by the original holder
- **Change of control** of rights holder subject to Commission's **approval**; right of use **withdrawal** possible, if any requirement/criteria of Art. 6 - 12 not fulfilled

Contributions and fees – Art. 18

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- **One-off financial contribution:**
  - reflects the **value of the spectrum right** for the applicant; efficient spectrum allocation
  - should be specified in the application; **admissibility requirement**
  - **minimum level** set by the EC; different levels for secure MSS/hybrid and commercial MSS systems possible
  - allocated to digital leadership objectives of the **European Competitiveness Fund** (ECF)
- **Annual fee:**
  - contributes to **efficient spectrum use**;
  - covers at least costs of GA management, control and enforcement, Union authorisation, including monitoring and compliance, and costs of any Union body assisting the EC
  - represents **external assigned revenue** (surplus → EU budget)
- **Methodology** for determining minimum levels of one-off contributions and amount of annual fees, and **other relevant details** (e.g. related to collection) set by a delegated act
- Concrete **levels** of fees and contributions determined by implementing act

Monitoring and enforcement – Art. 19

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- Compliance with authorisation conditions, ITU RR and EU law, **jointly monitored and enforced** by Commission and Member States; detailed **arrangements** defined by an implementing act
- Alleged breaches **examined** by the **Commission** assisted by the **RSPG** upon information from an **NCA;** Union authorisation holder is informed about findings if a breach is confirmed
- Upon breach, **corrective measures** are adopted by an implementing act, e.g.
  - temporary/permanent prohibition of using certain spectrum blocks for CGC/CAC
  - Union authorisation suspension
  - Union authorisation withdrawal for a serious or permanent non-compliance; temporary spectrum use by any other selected applicant may be allowed; launch of **a new selection procedure** (Art. 3)
  - **fines or periodic penalty payments** up to 5% of global annual turnover
- For non-payment of fees/contributions & GA non-compliance, **Article 30 EECC** procedure is used *mutatis mutandis*

Transitory provisions – Art. 20

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- Existing rights of use of **Viasat** and **Echostar** extended for **2 years**
  - upon request
  - under **the authorisation conditions** applicable at the date of MSS Regulation entry into force
  - to ensure the **continuity of services** provided at least 5 years before the MSS Regulation entry into force
- During the 2-years extension period
  - the rights **cannot be transferred**, **leased** or **sub-leased**
  - **sharing conditions** for testing and experimental use may be imposed by an implementing act

Delegation, comitology and repeal – Art. 21- 23

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- **Delegation (Article 21)**
  - **Two delegated acts** foreseen (extension of admissibility to geographically neighbouring countries in Art. 5(7), establishing methodology on contributions and fees in Art. 18(6))
  - Delegated powers granted to the EC for an **indefinite period** from the Regulation's entry into force
  - Delegation **may be revoked** by the EP or the Council at any time, without affecting delegated acts already in force
- **Comitology (Article 22)**
  - Application of the Regulation on comitology of 2011
  - Responsible committee: **CoCom** (established by EECC)
  - Advisory (Article 22(2)) and examination procedure (Article 22(3))
- **Repeal (Article 23)**
  - MSS Decision is to be repealed from [tbd]

Thank you!



DG CNECT, Radio Spectrum Policy Unit B4

European Commission

Obsolete Milestones of the current MSS framework – Annex (cont.)

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Milestone 5 “Completion of the Critical Design Review”

Milestone 6 “Satellite mating”

- Intermediate milestones for satellite system deployment – generally covered by Milestone 5 on satellite launch

Milestone 8 “Frequency Coordination”

- Addressed by Milestone 1 on ITU-related measures as proposed in the RSPG Opinion on D2D and related Single Market issues (June 2025)