



Electronic Communications Committee (ECC)  
within the European Conference of Postal and Telecommunications Administrations (CEPT)

## **ECC RECOMMENDATION (02)08**

### **A COMMON APPROACH IN THE DETERMINATION OF THE STATUS OF AUTHORISATIONS AND LICENCES FOR SATELLITE PERSONAL COMMUNICATIONS NETWORKS AND SERVICES WHEN THERE IS A CHANGE IN THE SATELLITE SYSTEM OWNERSHIP**

Recommendation adopted by the "Electronic Communications Committee" (ECC)

#### **INTRODUCTION**

Currently there are two S-PCS (Big-LEO) and three S-PCS-below-1 GHz (Little-LEO) systems providing service to the public within Europe. During the implementation of these systems there have been some changes in the ownership of the respective satellite networks and in some cases also in the satellite gateway operators and the associated licensed service providers. In this context 'change of ownership' means a different legal entity. These satellite services are now fully available to the public and demand is growing.

It is emphasised here, that no changes in the technical characteristics or operational parameters of the S-PCS systems themselves are involved. However, because of the changes in ownership of some of these satellite systems and the consequent changes in the gateway operators and in the service providers, the status of licences issued by the CEPT administrations prior to these changes taking place is not always clear.

There may be similar situations with ownership changes arising in the future. Different European administrations react differently in these circumstances. However, based on existing regulations and practice, it should be possible to adopt a common approach in all but a few cases without infringing the sovereign rights of any Regulatory Authority. This Recommendation attempts to provide a basis for such an harmonised approach.

#### **FURTHER CONSIDERATION**

Such situations, involving changes in system ownership and service providers, might be applicable to other types of satellite systems, and to non-satellite and even non-wireless based systems and services. Therefore, when a need arises this Recommendation can be expanded to include other types of satellite systems. However, the terrestrial case is somewhat different, in that there is not the existence of a major component of the network, such as a satellite system, that is under the ownership of a third party within a different jurisdiction to that responsible for the authorising or licensing of the service provision.

Because of this material difference between the satellite based and terrestrial cases, it is appropriate that each should be the subject of different considerations. It is on this basis therefore, that this Recommendation specifically addresses the case of S-PCS systems with the possibility for extension to include all satellite based systems and services when required.

## **THE FAST TRACK PROCESS**

For the purposes of this Recommendation, the "fast track" process would require provision of information to the licensing authority, which, due to the change in ownership, was different from that submitted at the time of the original application.

There should be no requirement to provide technical information where no changes have occurred, nor for any further validation of technical details that have been provided and validated previously under the original application.

It is not intended that administrations should initiate modification of existing legislation in order to facilitate implementation of this Recommendation, it is only proposed that the processing procedures for licence applications could be streamlined to establish the "fast track" procedure in appropriate cases.

"The European Conference of Postal and Telecommunications Administrations,

*considering*

- a) that within the CEPT administrations there is a growing awareness of a need for harmonisation of licensing practices in order to facilitate the ready provision of telecommunications services on a European-wide basis;
- b) that there is a desire among the CEPT administrations to encourage the provision of new and innovative services to the citizens of Europe using the latest and best technologies available;
- c) that there is a recognition within the CEPT that unnecessary regulatory practices are detrimental to the efficiency of both the regulatory process and to service operations and should be avoided wherever possible;

*noting*

- a) the EU Council resolution adopted on 7 December 1993 on the introduction of satellite personal communications services in the European Community;
- b) the European Parliament Resolution adopted on 19 May 1995 in which it considers as a priority objective to establish a harmonised authorisation approach for satellite based mobile and personal communications, and, on that basis, the implementation of procedures for the provision of licences of those systems at an early stage;
- c) Decision 710/97/EC of the European Parliament and of the Council on a co-ordinated approach in the field of satellite personal-communications services in the Community;
- d) appropriate Directives of the European Parliament and of the Council:
  - 1) the Licensing Directive - Directive 97/13/EC of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorisations and individual licences in the field of telecommunications services;
  - 2) the R&TTE Directive - Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity;
  - 3) the Framework Directive - Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services;
  - 4) the Authorisation Directive - Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services.
- e) ECTRA/DEC(97)02 – ECTRA Decision of 3 July 1997 on Harmonisation of authorisation conditions and co-ordination of procedures in the field of Satellite Personal Communications Services (S-PCS) in Europe, operating within the bands 1610-1626.5 MHz, 2483.5-2500 MHz, 1980-2010 MHz and 2170-2200 MHz and also the recommendations made by the associated MRC/GMR;
- f) ERC/DEC(97)03 - ERC Decision of 30 June 1997 on the Harmonised Use of Spectrum for Satellite Personal Communication Services (S-PCS) operating within the bands 1610-1626.5 MHz, 2483.5-2500 MHz, 1980-2010 MHz and 2170-2200 MHz;
- g) ERC/DEC(97)05 - ERC Decision of 30 June 1997 on free circulation, use and licensing of Mobile Earth Stations of Satellite Personal Communications Services (S-PCS) operating within the bands 1610-1626.5 MHz, 2483.5-2500 MHz, 1980-2010 MHz and 2170-2200 MHz within the CEPT;
- h) ECTRA/DEC(99)02 - ECTRA Decision of 3 March 1999 on Harmonisation of authorisation conditions in the field of Satellite Personal Communications Services (S-PCS) in Europe, operating in the bands below 1 GHz (S-PCS < 1 GHz);

- i) ERC/DEC(99)05 - ERC Decision of 10 March 1999 on Free Circulation, Use and Exemption from Individual Licensing of Mobile Earth Stations of S-PCS<1GHz systems;
- j) ERC/DEC(99)06 - ERC Decision of 10 March 1999 on the harmonised introduction of satellite personal communication systems operating in the bands below 1 GHz (SPCS<1GHz);

*noting further:*

- a) that where the original authority is in the form of a Class or General Licence or Registration and there is no change in the operational or technical parameters of the system, then a change in ownership of the satellite operator or a change in service provider, may not invalidate the original licence or authority;
- b) that where the original authority is based on licence exemption through implementation of appropriate EU or CEPT instruments and there is no change in the operational or technical parameters of the system, then a change in ownership of the satellite operator or a change in service provider, may not invalidate the original authority;
- c) that where there is a change in the ownership, management or governance of the satellite system, but there is no change in the system parameters or service offerings, any licence or authorization granted to satellite gateway operators or service providers may not be invalidated provided there is no change in their ownership or status;

*recommends*

- 1) that where, following a change in the satellite system ownership, there is a change in the service provider from that identified on the licence, but there is no change in the system parameters, and the service offerings are the same as covered in the original licence, it should not be necessary for the full licensing procedure to be applied to the new service provider. Any revalidation of the new service provider should be undertaken on a "fast track" basis to avoid, or at least to minimise, disruption to service.
- 2) that where, following a change in the satellite system ownership, there is a change in the network operator from that identified on the licence, but there is no change in the system or network parameters or any other operational or technical arrangements in the original licence, it should not be necessary for the full licensing procedure to be applied to the new network operator. Any revalidation of the new network operator should be undertaken on a "fast track" basis to avoid, or at least to minimise, disruption to service.
- 3) that where, following a change in the satellite system ownership, there is a change in the satellite gateway operator identified on the licence, but there is no change in the system parameters or any other operational or technical arrangements identified in the original licence, it should not be necessary for the full licensing procedure to be applied to the new gateway operator. Any revalidation of the new gateway operator should be undertaken on a "fast track" basis to avoid, or at least to minimise, disruption to service.
- 4) that administrations should inform the ERO of the level of adherence to this recommendation that is possible on the basis of existing regulatory provisions and what actions, if any, may need to be taken to facilitate such implementation where new regulatory provisions are under consideration.

*Note:*

*Please check the CEPT web site (<http://www.CEPT.org>) for the up to date position on the implementation of this and other ECC Recommendations*