

Amendment proposal - MSS 2 GHz: MNO-led model, ITU filing and Annex milestones

Commission proposal	Proposed amendment	Justification
New recital 41a - MNO-led D2D platform model		
No corresponding text in the Commission proposal (new recital).	(41a) In order to ensure that satellite Direct-to-Device connectivity develops as a mass-market service and not merely as a niche satellite service, the selection procedure should allow participation by European joint ventures of providers of public mobile electronic communications networks. Such joint ventures should be able to combine the capabilities of mobile network operators with satellite capacity provided by one or more space-segment providers. The joint venture should remain responsible for compliance and retain effective control over spectrum use, security and customer-data processing.	The MNO-led joint venture model provides a scalable framework for the development of D2D services while ensuring that strategic control and regulatory accountability remain in Europe. By separating the governance of the platform from the procurement of satellite capacity, the European joint venture can retain effective control over spectrum use, security, customer-data processing and other critical functions, while relying on specialised space-segment providers through contractual arrangements. This strengthens European sovereignty, reduces structural dependence on individual satellite providers and preserves the flexibility to integrate the most suitable satellite capacity over time. At the same time, the model builds on the existing market reach and capabilities of European mobile operators, supporting the development of D2D as a genuine mass-market service.
Article 6(1)(f) - ITU filing		
Article 6 - Admissibility phase for the secure MSS/hybrid system 1. The following admissibility requirements shall apply to an applicant for the right of use of the 2 GHz MSS band for the secure MSS/hybrid system: (f) to have one or more appropriate International Telecommunication Union (ITU) filing(s) related to the 2 GHz MSS band from a Member State and take all necessary measures to ensure compliance of the secure MSS/hybrid system with the ITU Radio Regulations.	Article 6 - Admissibility phase for the secure MSS/hybrid system 1. The following admissibility requirements shall apply to an applicant for the right of use of the 2 GHz MSS band for the secure MSS/hybrid system: (f) to have one or more appropriate International Telecommunication Union (ITU) filing(s) related to the 2 GHz MSS band from a Member State, <u>or to have binding contractual access to such filing or filings</u> , and take all necessary measures to ensure compliance of the secure MSS/hybrid system with the ITU Radio Regulations.	For the secure MSS/hybrid route, the filing requirement should guarantee legally enforceable access to the relevant spectrum resource without requiring the filing holder to become part of the applicant or joint venture. This is particularly relevant if secure and commercial spectrum rights are pursued in a combined structure: the filing would still have to originate from a Member State, while the platform could procure the relevant satellite capacity through a binding contractual arrangement.
Article 6(2) - Joint ventures		
2. Where an applicant is a legal person in the form of joint venture, the requirements set out in paragraph 1, points (a) to (e), shall apply to each legal or natural person of the joint venture, while the requirement set out in paragraph 1, point (f),	Unchanged.	No separate amendment is required. Once Article 6(1)(f) recognises binding contractual access, the relevant joint-venture member can satisfy the filing requirement through such an arrangement without requiring the filing holder itself to join the joint venture.

shall apply to at least one member of the joint venture.		
Article 9(1)(g) - ITU filing		
Article 9 - Admissibility phase for commercial MSS systems of Union new entrants 1. The following admissibility requirements shall apply to Union new entrants for the right of use of the 2 GHz MSS band for commercial MSS systems referred to in Article 4(1), point (b): (g) to be covered by one or more appropriate ITU filings related to the 2 GHz MSS band and to take all necessary measures ensuring compliance of the proposed commercial MSS system with the ITU Radio Regulations.	Article 9 - Admissibility phase for commercial MSS systems of Union new entrants 1. The following admissibility requirements shall apply to Union new entrants for the right of use of the 2 GHz MSS band for commercial MSS systems referred to in Article 4(1), point (b): (g) to be covered by, <u>or have binding contractual access to,</u> one or more appropriate ITU filings related to the 2 GHz MSS band and to take all necessary measures ensuring compliance of the proposed commercial MSS system with the ITU Radio Regulations.	For Union new entrants, this applies the same supplier-neutral approach. The filing condition should guarantee reliable and legally enforceable access to the spectrum resource, rather than prescribe that the satellite supplier or filing holder form part of the joint venture. This preserves flexibility to change or combine space-segment providers without restructuring the platform.
Article 9(3) - Joint ventures		
3. Where an applicant is a joint venture, the requirements set out in paragraph 1, points (a) to (f), shall apply to each member of the joint venture, whereas the requirement set out in of paragraph 1, point (g) shall apply to at least one member of the joint venture.	Unchanged.	No separate amendment is required. The amended Article 9(1)(g) already allows the relevant joint-venture member to satisfy the filing requirement through binding contractual access.

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Article 10(1)(f) - ITU filing		
Article 10 - Admissibility phase for commercial MSS systems of applicants from a Member State or a third country 1. The following admissibility requirements shall apply to the applicants for the use of the 2 GHz MSS band for commercial MSS systems, referred to in Article 4(1), point c: (f) to be covered by one or more appropriate ITU filings related to the 2 GHz MSS band and to take all necessary measures ensuring compliance of the proposed commercial MSS system with the ITU Radio Regulations.	Article 10 - Admissibility phase for commercial MSS systems of applicants from a Member State or a third country 1. The following admissibility requirements shall apply to the applicants for the use of the 2 GHz MSS band for commercial MSS systems, referred to in Article 4(1), point c: (f) to be covered by, <u>or have binding contractual access to,</u> one or more appropriate ITU filings related to the 2 GHz MSS band and to take all necessary measures ensuring compliance of the proposed commercial MSS system with the ITU Radio Regulations.	The same filing flexibility should apply to the alternative commercial route under Article 4(1), point (c). This avoids making the corporate structure of the platform depend on the route through which commercial spectrum is awarded and preserves the option to use the same supplier-neutral model under Block C.
Article 10(3) - Joint ventures		
3. Where an applicant is a joint venture, the requirements set out in paragraph 1, points (a) to (e), shall apply to each member of the joint venture, whereas the requirement set out in of paragraph 1, point (f) shall apply to at least one member of the joint venture.	Unchanged.	No separate amendment is required. The amended Article 10(1)(f) already allows the relevant joint-venture member to satisfy the filing requirement through binding contractual access.
Annex I, point 2 - Satellite manufacturing		
The applicant shall provide clear evidence of a binding agreement for the manufacture of the satellites of the mobile satellite system subject to the application within the territories of the Member States. The document shall identify the construction milestones leading to the completion of manufacture of those satellites. The document shall be signed by the applicant and the satellite manufacturing company.	For the secure MSS/hybrid system referred to in Article 4(1), point (a), the applicant shall provide clear evidence of a binding agreement for the manufacture of the satellites of the mobile satellite system subject to the application within the territories of the Member States. This is without prejudice to the additional manufacturing and supply-chain requirements laid down in Article 7(1), points (e) and (f). For commercial MSS systems referred to in Article 4(1), points (b) and (c), the applicant shall provide clear evidence of a binding agreement for the manufacture required for the continuous provision of MSS within the territories of the Member States. In either case, the document shall identify the relevant construction milestones. The document shall be signed by the applicant or by one or more space-segment providers	This amendment addresses two separate issues. First, for commercial MSS systems under Article 4(1), points (b) and (c), the manufacturing milestone should be limited to the manufacturing required to ensure continuous provision of MSS within the Member States, rather than potentially extending to a wider satellite system or global constellation. Second, the amendment does not alter the substantive manufacturing requirements applicable to the secure MSS/hybrid system under Article 4(1), point (a). In particular, the additional requirements in Article 7(1), points (e) and (f), including the requirement concerning EU manufacturing of the key components specified

	contracted by the applicant, and by the satellite manufacturing company.	in the call for applications and the integration of Union technologies, remain unchanged. Across all routes, the amendment only adds contractual flexibility as regards who may hold the manufacturing agreement. Where the applicant relies on a contracted space-segment provider for the provision of the satellite infrastructure, the relevant manufacturing agreement may be concluded by that provider with the satellite manufacturer. The MNO-led applicant should not be required to become a direct party to the underlying manufacturing agreement, provided that it can demonstrate compliance with the applicable requirements and remains responsible vis-à-vis the competent authorities.
Annex I, point 3 - Satellite launch agreement		
The applicant shall provide clear evidence of a binding agreement to launch the minimum number of satellites required for the continuous provision of MSS within the territories of the Member States. The document shall identify the launch dates and launch services and the contractual terms and conditions concerning indemnity. The document shall be signed by the mobile satellite system operator and the satellite launching company.	The applicant shall provide clear evidence of a binding agreement to launch the minimum number of satellites required for the continuous provision of MSS within the territories of the Member States. The document shall identify the launch dates and launch services and the contractual terms and conditions concerning indemnity. The document shall be signed by the applicant or by one or more space-segment providers contracted by the applicant , and by the satellite launching company.	The launch milestone should accommodate cases in which the applicant relies on a contracted space-segment provider for the provision of the satellite infrastructure. In such a model, the relevant launch agreement may be concluded by the space-segment provider with the launch company. Requiring the MNO-led applicant itself to be a direct party to that agreement would unnecessarily constrain the contractual structure of the model. The applicant should nevertheless remain responsible for demonstrating compliance with the applicable requirements.