

Satellites and the EU Regulatory Framework

Why are Satellites different to other means of communication?

Satellites are part of a strategic infrastructure: space; this is evidenced by the fact that Europe is implementing its first European Space Policy. They are also a critical infrastructure for the world, uniquely placed to deliver on key policy objectives from digital divide and digital switchover to emergency communications, communications for security and peacekeeping purposes as well as monitoring climate change and enabling 'clean', remote management of renewable energy plants.

Why are Satellite Signals different to those of other means of communication?

Satellite signals travel the distance from outer space to earth, resulting in a considerably weakened signal arriving on earth. This means that they are more susceptible to interference than comparatively stronger terrestrial wireless signals. In addition, satellites have access to a limited amount of frequency bands as they need bands that are harmonised the world over and not just in specific regions.

The European Regulatory Framework accords no recognition of the specific technological attributes and unique advantages of satellites described above. Thus it offers no comfort that their technological and regulatory requirements will be met. Satellites are treated just as any other communications technology, including those that operate solely in a Member State or even those that only deliver services in urban areas.

Satellite operators are presently engaging with Member States, Parliamentarians and the European Commission alike to address this concern, which calls into question the future of the industry. In this context satellite operators urge Member States to endorse the position that:

- (i) Satellites are wholly different from other communications technologies given their strategic role & specific technological attributes, the high up-front investment involved for their 20 year business plans and given their unique ability to deliver on key EU policy objectives, and
- (ii) That this differentiation from other technologies deserves **Recognition** and therefore **Protection** of spectrum & rights to access it over time.

In terms of the EU legislation, this means:

- (i) A clear recognition of the role of the international frequency allocation coordination mechanism enshrined in the ITU
- (ii) Certain access to crucial spectrum bands without a review of rights of use after a few years
- (iii) The revised application of the principle of Technology Neutrality giving due consideration of specific technological requirements such as those of satellite