



COMMISSION OF THE EUROPEAN COMMUNITIES

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2000/0020 (COD)

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**extending Decision No 710/97/EC on a co-ordinated authorisation approach in
the field of satellite personal communication services in the Community**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Decision No 710/97/EC of the European Parliament and of the Council of 24 March 1997 on a co-ordinated authorisation approach in the field of satellite personal communication services in the Community¹ (the "S-PCS Decision") established a new framework for the co-ordinated introduction, in Europe, of new generations of satellite systems which offer services directly to individual user terminals. In establishing this framework, the European Parliament and the Council initially foresaw a period of validity of three years.

The new concept introduced a co-operation mechanism between the EU and CEPT (Conférence Européenne des Postes et Télécommunications) whereby the European Commission, after consultation with Member States in the Licensing Committee, asks CEPT by way of mandates to take measures necessary for the co-ordinated introduction of certain satellite services across Europe. These measures usually relate to the harmonised use of frequencies, the harmonisation of licensing conditions and procedures, as well as the use and free circulation of user terminals. In addition, the Decision also envisaged a one-stop shopping procedure across Europe for these services, to facilitate the timely and co-ordinated granting of the necessary regulatory approval for these systems.

While a number of mandates have been issued by the Commission since 1997, and several decisions and recommendations have been adopted by CEPT in response, the process is far from being completed. For satellite systems having introduced their services already or planning to do so in the immediate future, not all elements of the envisaged measures have been implemented yet. Licensing conditions and procedures still vary considerably in the Member States, so that further requests to the CEPT for harmonisation measures may be needed. The one stop shopping procedure for satellite systems is currently being developed by CEPT but has not been implemented. Co-ordinated measures for the provision of spectrum have been put in place but need to be monitored, such as the planned spectrum clearance in certain bands to make room for new entrants, or the spectrum assignments and service licenses granted in individual Member States. In addition, satellite systems in frequency bands other than those covered by the initial Commission mandates, but confronted with similar regulatory issues, are expected to be brought into service in the first half of the next decade.

Given these developments, the Commission believes it is necessary and useful to extend the validity of the existing framework decision beyond May 2000, until the end of the year 2003. This will provide market players and regulators a continuing degree of certainty against which to plan their business strategies and investments within the European Union and give the Commission the continued legal base necessary to initiate and influence the regulatory measures necessary to ensure to co-ordinated introduction of those systems over the next years, by way of mandates to CEPT as appropriate. Beyond the year 2003, an extension may not be necessary given that the overall regulatory framework, including Directive 97/13/EC² of 10 April 1997

¹ OJ L 105, 23.4.1997, p. 4.

² OJ L 117, 7.5.1997, p. 15.

(the "Licensing Directive"), may have taken a different shape by then, in view of the current 'Review 99' and Spectrum Policy initiatives launched by the Commission.

Decision No 710/97/EC will expire on 13 May 2000 and therefore needs to be extended.

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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 47, 55 and 95 thereof,

Having regard to the proposal from the Commission,³

Having regard to the opinion of the Economic and Social Committee⁴,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,⁵

Whereas:

- (1) Decision No 710/97/EC of the European Parliament and of the Council of 24 March 1997 on a co-ordinated authorisation approach in the field of satellite personal communication services in the Community will expire on 13 May 2000.
- (2) It is appropriate to extend this Decision until 31 December 2003.

HAVE ADOPTED THIS DECISION:

Article 1

The words of Article 12 of Decision No 710/97/EC "and shall remain in force for three years after that date" are replaced by the following:

"and shall remain in force until 31 December 2003."

³ OJ C
⁴ OJ C
⁵ OJ C

Article 2

This Decision shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

Done at

For the European Parliament
The President

For the Council
The President