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IISL Young Scholars session and Dr. Jasentuliyana Keynote lecture by a leading space law expert (1)

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EUROPEAN SATCOM LICENSING: CURRENT STATUS AND REFORM EFFORTS

Abstract

National-level satellite and earth station regulatory frameworks within the European Union are diverse, with distinct legislation, types of licenses available, application procedures, requisite data, and fees in every country. Although these elements are treated similarly across different national frameworks, the situation remains highly inefficient in practice for space and ground systems operators whose activities require licensing across multiple EU countries. This presentation will summarise the history of the EU regulatory framework – focusing on past streamlining efforts – and evaluate the prospects for and benefits of full regulatory unification within the bloc, among related topics:

National-level frameworks within the EU have followed a general trajectory of increasing harmonisation. In particular, the 1999 Communications Review (Commission of the European Communities) observed that there existed “large variations in license regimes in the EU” and proposed a new regulatory framework that “would reduce the current variation in license regimes for telecommunications across the EU, which is holding back innovation, competition and the provision of pan-European services”. Soon thereafter, large progress was seen in the Framework Directive 2002/21/EC, which states “. . . all transmission networks and services should be covered by a single regulatory framework”, which it introduced.

However, the aforementioned efforts still did not reach the levels of regulatory reform proposed in initiatives of the European Commission in the 1990s which, if implemented, would have rendered licensing fully unified and standardised across the Union. These efforts, which did not come to fruition, proposed the introduction of three conceptual regulatory objectives: Harmonisation and Mutual Recognition of licensing (via the 1990 Satellite Communications Green Paper and Proposal COM(93) 652), and authorisation via a One-Stop-Shop (Directive 97/13/EC). These measures would have effectively led towards a single regulatory and licensing zone within the Union where receipt of a license from one State would have enabled authorised operations in all other States, if not having also established a “single location” for licensing procedures.

This presentation will revisit this history and delve into why a unified regulatory model within the Union would be superior to today’s situation. It will likewise discuss how a renewed effort for a unified European regulatory framework could be attempted through EU legislative procedure, considering also why the proposals of the 1990s did not fully succeed. Lastly, the pros and cons of introducing such a system globally will be raised, considering the appropriate channels in which to attempt this and the challenges embedded in national interests.