



Regulatory Review

EUROPEAN REGULATORS AND ISSUES— TEAM RA5 DIGS DEEP

by Gerry Oberst

Understanding the European satellite regulatory scene can be difficult to those peering in from the outside, due to the different levels of regulators and constantly shifting names and actors. One of the more relevant platforms for regulation—not a regulator itself but a body that helps shape policy—is a project team hidden deep within the structure of the European Conference of Posts and Telecommunications Administrations (CEPT).



The CEPT itself now represents 46 countries across Europe, covering all European Union (EU) member states, including the new 10 that were added in May. On the electronic communications side the CEPT develops spectrum allocations, service rules and responses to international meetings such as ITU world radio conferences. CEPT decisions and recommendations are not themselves legally binding but depend on national implementation.

To reach consensus on these items, the CEPT relies on a marvelously Byzantine structure of project teams, working groups and other such bodies. One such project team is project team five (RA5), which is devoted to satellite regulatory issues within the working group on regulatory affairs. This group is important, because it is a focal point for many regulatory issues that affect the satellite industry within the CEPT.

RA5 led a peripatetic existence under numerous names. The precursor to the group was a maintenance review committee focused on the mobile satellite service. That split off in 1999 and a joint project team on general communications satellites issues formed. About two years later, the joint project team restructured and another

two years later demoted one level down in the CEPT structure to its current existence. Throughout this period, the group held more than 25 meetings and generated more than 400 documents.

European regulators officially attend most other CEPT bodies, with industry tagging along only as observers or by invitation. A special value of the RA5 is the closer interface it permits between industry and the CEPT administrations, because it is traditionally open to all industry representatives.

Today, RA5 focuses on a mix of issues including implementation, harmonized licensing and the milestone review process for satellite operators. RA5 regularly checks on the status of the national implementation of Electronic Communications Committee (ECC) decisions and recommendations for satellite communications, typically in the licensing area. The group works toward improvement in the existing European satellite one-stop-shop (OSS) that was supposed to provide a central point for licensing applications and information (and now appears moribund). As well, RA5 addresses various issues on satellite communications needing consideration within the ECC. If this group reaches a successful result on a satellite regulatory matter, it can set the stage for very broad implementation across Europe.

The RA5 agenda usually includes the current status of decisions that should allow users to circulate freely throughout Europe with satellite mobile terminals. Numerous RA5 meetings focused on licensing of fixed satellite service terminals, with efforts to create license exemptions for networks of earth stations at certain power levels. This issue reflects a difference in European and U.S. regulations—in the United States there are few if any restrictions around airports for the siting of satellite terminals, as long as the physical height is not a problem. By contrast, Europe has limited satellite

transmitters near airports out of concern for possible interference. This approach may be under consideration as nations, such as Norway, allow greater reliance on terminals right up to the airport fence.

The most recent meetings of RA5 branched out beyond traditional fixed or mobile satellite services to other aspects of the industry. Thus, RA5 is seeking to develop regulations for aircraft earth stations (AES) and earth stations aboard vessels (ESV).

The AES issue is the brainchild of Connexion by Boeing and covers stations used for non-safety related broadband data communications onboard aircraft. The current goal is to get a decision that would take effect by the end of 2004, which would set the framework for AES operations. A basic point of the decision would be that the AES should be licensed in the country in which the aircraft is registered, avoiding the need to comply with an impossible requirement of licensing in each country the aircraft overflies in the CEPT.

The ESV issue is designed to accommodate more sophisticated satellite terminals on ships that use highly stabilized platforms to maintain the necessary antenna tracking with geostationary space stations, even while the vessel is in motion. These ESVs are onboard vessels that routinely travel in the territorial waters of many countries, which raises unique coordination issues.

RA5 has, for several years, dug into the technical questions of communication satellite networks covering mobile, fixed, maritime and aeronautical services. It might be an entity hard to find from the outside, but it is an important regulatory tool in the overall CEPT and European structure. ♦

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