

# REGULATION

## on satellite filings

### CHAPTER I

#### General provisions

#### 1. Article 1

##### *Scope and objectives*

This Regulation applies to Icelandic satellite spectrum filings, including related information on satellite orbits, with the International Telecommunications Association (ITU). The Regulation includes provisions on requirements for those who apply for filing, the form and content of applications, the procedure for processing applications, coordination of spectrum use and the use of allocated frequencies.

The Post and Telecom Administration processes applications for satellite filings and orbital positions for satellites, and also communicates with the ITU in connection with such filings.

The purpose of this Regulation is to lay down clear rules for handling filing applications with the Post and Telecom Administration in accordance with the Electronic Communications Act and the ITU Radio Regulations.

#### 2. Article 2

##### *Definitions*

The definitions of terms in this Regulation are as follows:

*The International Telecommunication Union (ITU):* The specialised agency of the United Nations responsible for all matters related to information and communication technologies.

*The ITU Radio Regulations (ITU-RR):* The International Telecommunication Union's Radio Regulations as they stand at any given time.

*Satellite network:* A system for wireless telecommunications between one or more satellites and earth stations.

*Earth station:* A station located either on the Earth's surface or within the major portion of the Earth's atmosphere and intended for transmitting and/or receiving communication:

- with one or more space stations, or
- with one or more stations of the same kind by means of one or more reflecting satellites or other objects in space.

*Satellite operator:* A company or organisation that operates or intends to operate a satellite network.

*Satellite:* An unmanned, man-made object placed in orbit around the Earth.

*Satellite filing document:* An electronic document, in the format stipulated in this Regulation and complying with the International Telecommunication Union's requirements, containing information on coordination and notification of satellite networks in accordance with ITU-RR. In other respects, the terms and definitions of the Electronic Communications Act No. 81/2003 shall apply.

### CHAPTER II

#### Filing applications and coordination

#### Article 3

##### *Applicants*

The applicant for a satellite filing shall be a satellite operator registered with the Register of Limited Companies in Iceland and operating in Iceland, although the group of companies may have its headquarters in another country. If the applicant intends to provide telecommunications services in Iceland, they must furthermore register as an electronic communications company with the Post and Telecom Administration pursuant to Article 4 of the Electronic Communications Act No. 81/2003.

Only applications for legal and peaceful activities, e.g. telecommunication, television broadcasting or earth observation, are accepted.

The applicant must have the technical and financial means to establish and operate the satellite network applied for, or demonstrate that they can access sufficient technical and financial means before operation of the satellite network commences.

If the headquarters of the applicant are located in a country that is outside the EEA and not a Member State of EFTA or NATO, or the applicant's ownership is registered in a country to which this applies, the Post and Telecom Administration shall seek the opinion of the Ministry for Foreign Affairs before processing the application. The Post and Telecom Administration must refuse to process applications if the Ministry for Foreign Affairs advises against their processing in its opinion. The Post and Telecom Administration may also refuse to process the application if doing so is considered to be incompatible with the interests of the Icelandic State or for other objective reasons, e.g. if the scope of the application is so extensive that the Administration does not have the capacity to process it.

The satellite operator shall complete the registration of the satellite in another state pursuant to international agreements on the registration of space objects, as there are no regulations on the registration of space objects in Iceland.

Satellite filings do not entail any responsibility on behalf of the Icelandic State for the satellite itself or its operation.

The satellite operator shall demonstrate to the Post and Telecom Administration that measures are in place to alter or stop transmissions from the satellite if necessary to prevent harmful interference or in the event of the satellite operator's non-compliance with the conditions set forth in this Regulation. Satellite operators must have sufficient insurance to cover all damages that may occur as a result of the operation of the satellites in question.

The applicant shall pay all costs of processing applications. The cost of the Post and Telecom Administration's processing shall be paid according to the scope of the project pursuant to the Administration's list of tariffs. The applicant shall also pay any fees that the ITU may charge for processing the application and following up on the listing. The Post and Telecom Administration may demand a bank guarantee for all payments under this paragraph. Applicants are not entitled to use any free listings to which Iceland may be entitled with the ITU.

#### 4. Article 4

##### *Applications*

The applicant shall send the filing application to the Post and Telecom Administration.

The application must include a satellite filing document in the format and with the information stipulated by the ITU in accordance with the ITU-RR. The application must also include a summary of the application's main points and documentation to demonstrate that the requirements of Article 3 are met.

#### 5. Article 5

##### *Handling of applications*

Applications shall generally be processed in the order in which they are received.

The Post and Telecom Administration reviews applications and assesses whether they comply with all conditions set forth in this Regulation, the Post and Telecom Administration's rules of procedure according to Article 13, and the ITU's rules.

The Post and Telecom Administration may assign a qualified party to review and assess applications and manage listings during their term of validity. Any such party must have extensive experience in satellite filings and shall have the technical and financial means to perform such a task in an efficient and reliable manner.

The Post and Telecom Administration may decide to only accept applications submitted through a specialised expert body contracted by the Post and Telecom Administration pursuant to paragraph 3.

Article 6  
*Coordination*

The Post and Telecom Administration can instruct the applicant to coordinate their application with existing spectrum use, domestically or overseas, whether the use is that of other satellites or terrestrial communication systems. Coordination shall be carried out in accordance with the ITU-RR. The applicant will handle the coordination and negotiations with stakeholders. The applicant can request the Post and Telecom Administration's involvement in such discussions, in which case the applicant shall pay all resulting costs incurred by the Administration.

The satellite operator is responsible for monitoring all ITU notifications regarding satellite filings and submitting comments or responding in another manner if necessary. The Post and Telecom Administration acts as an intermediary in the necessary communications with the ITU, but is not in any way responsible for protecting the interests of satellite operators.

**CHAPTER III Use of  
allocated frequencies**

Article 7

*Authorisation to use a spectrum frequency*

The Post and Telecom Administration determines whether the satellite operator may use the spectrum frequency for which a filing with the ITU was requested. Before making such a decision, the Post and Telecom Administration assesses whether the satellite operator in question has fulfilled the conditions set out in the rules of the International Telecommunication Union, this Regulation and the Administration's rules of procedure. Before making a decision, the satellite operator shall submit the following information to the Post and Telecom Administration:

- a. Reference to the filing application and the information included therein;
- b. Documentation showing the status of coordination with domestic satellite networks and other domestic telecommunications networks;
- c. Documentation showing the status of coordination with the satellite networks with which coordination was necessary in the opinion of the ITU.

The satellite operator is obliged to ensure that the use of allocated frequencies does not cause harmful interference. The satellite operator is responsible for all damage resulting from harmful interference for which the satellite operator is responsible.

The satellite operator must be willing to engage in negotiations on coordination with other entities who have applied for satellite filings with the ITU and who may overlap with the satellite operator's spectrum use.

The Post and Telecom Administration may decide, when appropriate, to issue a special spectrum licence to satellite operators and make it subject to the conditions laid down in Article 10 of the Electronic Communications Act No. 81/2003, and with reference to the Regulation on the Planning and Allocation of Frequencies No. 1047/2011.

**CHAPTER IV  
Surveillance, etc.**

Article 8

*Reporting requirement*

A satellite operator who has filed frequencies and information on satellite orbit with the involvement of the Post and Telecom Administration is obliged to operate the satellite and use frequencies in accordance with the conditions specified by the Administration and/or the ITU, and according to the information provided in the filing application and satellite filing document. Should the satellite operator wish to depart from the above conditions, the Post and Telecom Administration's prior approval of such an arrangement must be obtained.

The satellite operator must also notify the Post and Telecom Administration of any significant changes to the operator's general activities or the operation of the satellites in question. Any operational and technical difficulties that may arise and could affect the operation of the satellite in question must be reported within 12 weeks.

The satellite operator must furthermore notify the Post and Telecom Administration of any changes to ownership in excess of 10% of the undertaking's, its parent company's or its ultimate holding company's total shareholding, within one month from the change occurring. Prior approval by the Post and Telecom Administration is required in the event of changes in ownership that may affect any conditions provided for in Article 3.

#### 9. Article 9

##### *Surveillance*

The Post and Telecom Administration monitors satellite operators' compliance with the conditions of this Regulation or individual decisions based on its provisions. Surveillance is carried out according to Article 4 and Article 5 of the Electronic Communications Act No. 81/2003.

#### 10. Article 10

##### *Surveillance measures*

If the satellite operator does not comply with the requirements arising from the ITU-RR, the Telecommunications Act, the Act on the Post and Telecom Administration, this Regulation, the Post and Telecom Administration's rules of procedure or individual decisions by the Post and Telecom Administration, the Post and Telecom Administration may instruct the satellite operator to take remedial action within a reasonable time.

If remedial action is not taken within the set time limit, the Administration may, where appropriate, suspend the processing of an application, cancel an application for filing, cancel a filing with the ITU, revoke a spectrum licence and/or order that the operation of the satellite in question be stopped.

In the case of non-payment of fees to the ITU or the Post and Telecom Administration, the Administration may demand payment from the issuer of a bank guarantee, cf. paragraph 7 of Article 3.

The Post and Telecom Administration is furthermore authorised to impose daily fines, pursuant to Article 12 of the Act on the Post and Telecom Administration No. 69/2003, in the event of non-compliance with the Post and Telecom Administration's instructions and the provisions of this Regulation.

#### 11. Article 11

##### *Operating fee*

Satellite operators shall pay an annual operating fee to the Post and Telecom Administration, pursuant to paragraph 4 of Article 14 of the Act on the Post and Telecom Administration, amounting to 0.38% of their operating income from telecommunications activities in Iceland.

#### 12. Article 12

##### *Rules of procedure*

The Post and Telecom Administration shall establish rules of procedure and publish them on the its website. The rules shall include a more detailed description of procedures and stipulations.

By applying for satellite filings with the Post and Telecom Administration, the applicant is deemed to have undertaken to comply with the provisions of this Regulation and the stipulations set out in the Administration's rules of procedure.

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13. Article 13

*Entry into force and legal basis*

This Regulation is issued on the basis of paragraph 10 of Article 11, paragraph 2 of Article 14 and Article 75 of the Electronic Communications Act No. 81/2003 and Article 16 of the Act on the Post and Telecom Administration No. 69/2003. This Regulation is effective immediately.

*Ministry of Transport and Local Government, 18 March 2019.*

**Sigurður Ingi Jóhannsson.**

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Section B – Date of issue: 1 April 2019