

## **Regulations on coordination and use of satellite filing**

The statutory authority for the regulations and EEA reference shall read:

Statutory authority: Laid down by the National Communications Authority on 12 December 2017 pursuant to Section 1-4, Section 6-6, Section 10-1, Section 10-3, Section 10-4, Section 10-6, Section 10-7, Section 10-8, Section 11-6 and Section 12-1 of Act No. 83 of 4 July 2003 relating to electronic communications (Electronic Communications Act), cf. Delegated Decision No. 619 of 14 June 2013.

Short title Satellite Registration Regulations

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### **Chapter 1. Introductory provisions**

#### **Section 1. Purpose**

The regulations stipulate rules for applications for, and filing and use of satellite filings, which shall ensure that the filing and filing process are in compliance with the Electronic Communications Act and within the framework of international law.

#### **Section 2. Scope**

The regulations concern requirements made of applicants who submit a satellite filing, the contents of an application for a satellite filing and coordination and use of satellite filings, which the National Communications Authority submits to the International Telecommunication Union (ITU).

#### **Section 3. Definitions and abbreviations**

The definitions for the terms used in the regulations are as follows:

- a) *satellite*: unmanned artificial object that is placed in orbit around the Earth.
- b) *satellite network*: a network for radio communications between one or multiple satellites and associated earth stations.
- c) *satellite filing*: an electronic file in the format stipulated pursuant to the regulations and with the technical content required by the ITU (the International Telecommunication Union) in conjunction with the coordination and notification of satellite networks pursuant to the ITU-RR (the International Telecommunication Union's Radio Regulations).
- d) *satellite operator*: the entity that will operate and run the satellite network, and coordinate and use the satellite filing.
- e) *ITU*: International Telecommunication Union

f) *ITU-RR*: The International Telecommunication Union's Radio Regulations

The definitions in Act No. 83 of 4 July 2003 relating to electronic communications otherwise apply.

## **Chapter 2. Application for and coordination of satellite filing**

### **Section 4. *Application requirements***

A satellite operator who wants to register a satellite network with the ITU must submit an application for a filing with the National Communications Authority.

The application shall be in the format and contain the information required pursuant to the ITU-RR. The application shall contain a summary of the application and documentation showing that the requirement in Section 5 is met. The National Communications Authority may prepare a guide for completing the application.

### **Section 5. *Requirements of applicant***

The applicant must be a satellite operator registered in the Norwegian Register of Business Enterprises. The activities, organisation or affiliation with Norway of the satellite operator must be such that Norwegian authorities are the relevant authority for implementing the filing with the ITU.

Applicants shall cover the costs the state has vis-à-vis the ITU in conjunction with the filing. The National Communications Authority may demand that the applicant submit a bank guarantee before the application for the satellite filing is processed.

### **Section 6. *Coordination***

Upon submission of a filing to the ITU, the National Communications Authority issues a decision on national and international coordination of the satellite filing.

## **Chapter 3. Use and notification of satellite filing**

### **Section 7. *Requirements relating to authorisation***

A satellite operator who wants to use the satellite filing must submit an application for authorisation to the National Communications Authority.

The application must contain:

- a) documentation showing the status of the coordination process with relevant Norwegian satellite networks,
- b) a list of the status of the coordination process with satellite networks identified by the ITU,

The satellite operator is obliged to ensure that the use of the satellite filing does not create harmful interference.

### **Section 8. *Notification of the satellite filing***

A satellite operator may apply to the National Communications Authority for notification of the satellite filing to the ITU.

The application must be in the format and contain the information required pursuant to the ITU-RR.

The application must also contain:

- a) documentation showing the status of the coordination process with relevant Norwegian satellite networks.

The National Communications Authority may forward the satellite filing to the ITU for notification and final registration in the Master International Frequency Register (MIFR).

## **Chapter 4. General provisions and supervision**

### **Section 9. *Halt in the filing process***

The National Communications Authority may refuse to carry out the filing with the ITU when conditions stipulated in or pursuant to the regulations are not met.

### **Section 10. *Transfer by sale or rental of authorisation***

Following an application, the National Communications Authority may issue an individual decision that gives the holder of an authorisation pursuant to Section 6 and Section 7 the right to transfer the authorisation by sale or rental. Transfer by sale and upon substantial changes in the composition of owners or ownership structure of the satellite operator shall be reported to the National Communications Authority without undue delay. The National Communications Authority may stipulate conditions for the transfer. The National Communications Authority may refuse transfer if the new holder does not meet the requirements stipulated in the regulations.

### **Section 11. *Supervision***

The National Communications Authority shall supervise that the provisions in the regulations or decisions made pursuant to the regulations are complied with, cf. Section 10-1 of the Electronic Communications Act.

### **Section 12. *Sanctions***

The National Communications Act may issue orders for rectification or cessation of unlawful circumstances in contravention of the requirements laid down pursuant to the regulations, cf. Section 10-6 of the Electronic Communications Act.

The National Communications Authority may upon violation of requirements in or pursuant to the regulations issue a decision on a coercive fine pursuant to Section 10-7 of the Electronic Communications Act, or revocation pursuant to Section 10-8 of the Electronic Communications Act.

### **Section 13. *Sector fee***

The satellite operator shall pay an annual sector fee to the National Communications Authority pursuant to Regulations No. 386 of 20 March 2017 relating to sector fees and administrative charges to the National Communications Authority.

### **Section 14. *Appeals authority***

The Ministry of Transport and Communications decides appeals lodged against individual decisions issued by the National Communications Authority.

### **Section 15. *Exceptions***

The National Communications Authority can make exceptions from the regulations or from provisions in the regulations in special situations and within the framework of international law.

### **Section 16. *Entry into force***

The regulations shall enter into force on 1 January 2018.