

**Request for a preliminary ruling from the Conseil d'État (France) lodged on 8 July 2019 — Eutelsat SA v
Autorité de régulation des communications électroniques et des postes, Inmarsat Ventures Ltd**

(Case C-515/19)

(2019/C 295/15)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Eutelsat SA

Defendants: Autorité de régulation des communications électroniques et des postes, Inmarsat Ventures Ltd

Interveners: Viasat Inc. and Viasat UK Ltd

Questions referred

1. What legal criteria are to be used in identifying a mobile earth station within the meaning of Decision No 626/2008/EC of the European Parliament and of the Council of 30 June 2008? ⁽¹⁾ Is that decision to be read as requiring that a mobile earth station which communicates with a complementary ground component must also be capable, without the use of separate equipment, of communicating with a satellite? If so, how is it to be determined whether the equipment is one and the same?
2. Is Article 2(2) of that decision to be interpreted as meaning that a mobile satellite system must be principally based on a satellite element, or can the view be taken, on a correct interpretation of that provision, that it is immaterial what the respective roles of the satellite and ground elements may be, even where the satellite element serves a purpose only where communication with the ground element is impossible? Can complementary ground components covering the entire territory of the European Union be installed on the basis that communications with the space stations cannot be ensured with the required quality in any respect, within the meaning of Article 2(2)(b) of the same decision?
3. In a case where it is shown that an operator selected in accordance with Title II of that decision has not, by the deadline laid down in Article 4(1)(c)(ii), complied with the commitments as to geographical coverage of mobile satellite systems set out in Article 7(2), are the competent authorities of the Member State required to refuse authorisation to operate complementary ground components? If not, are they entitled to refuse such authorisation?

⁽¹⁾ Decision No 626/2008/EC of the European Parliament and of the Council of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (MSS) (OJ 2008 L 172, p. 15).
