



# PUBLIC NOTICE

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## SPACE BUREAU AND OFFICE OF INTERNATIONAL AFFAIRS SEEK COMMENT ON SATELLITE MARKET ACCESS RECIPROCITY

GN Docket No. 26-48

**Comment Deadline: April 1, 2026**

**Reply Comment Deadline: April 16, 2026**

By this Public Notice, the Space Bureau (SB) and Office of International Affairs (OIA) seek comment on the state of international reciprocity in satellite service regulation. This record will assist SB and OIA in implementing existing Commission rules and policies, inform international advocacy in support of U.S. commercial space and other interests, and may develop into proposals for further consideration and action.

*Background.* For decades, the United States has welcomed foreign satellite operators seeking entry into the domestic marketplace. In 1997, the Commission adopted a comprehensive framework to enable non-U.S.-licensed space stations to serve the U.S. market.<sup>1</sup> Implementing the U.S. market-opening commitments in the WTO Basic Telecommunications Agreement (BTA),<sup>2</sup> the Commission adopted a presumption in favor of entry for satellite systems licensed by WTO Members to provide satellite services covered by the U.S. commitments under the WTO BTA.<sup>3</sup> For non-WTO BTA covered space station market access requests, the Commission required the party seeking access to demonstrate that U.S.-licensed satellite systems have effective competitive opportunities to provide analogous services in the

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<sup>1</sup> *Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, Report and Order, 12 FCC Rcd 24094 (1997) (*Market Access Order*), on reconsideration, First Order on Reconsideration, 15 FCC Rcd 7207 (1999), on further reconsideration, Second Order on Reconsideration, 16 FCC Rcd 19794 (2001).

<sup>2</sup> *Market Access Order*, 12 FCC Rcd at 24096, para. 2. The WTO BTA was concluded under the framework established by the General Agreement on Trade in Service (GATS), which is one of the agreements negotiated in conjunction with the creation of the WTO. *Id.* at 24102, para. 19. Under Article II of the GATS, all WTO Members must provide most-favored nation treatment to like services and service suppliers of all other WTO Members. *Id.* at 24102, para. 21. Under the terms of the WTO BTA, the United States and 49 other WTO members committed to open their markets to foreign competition in satellite services in various ways. *Id.* at 24102, para. 19. The United States made market access commitments for satellite services including the fixed- and mobile-satellite services, but did not make market access commitments for Direct-to-Home (DTH) Service, Direct Broadcast Satellite (DBS) Service, and Digital Audio Radio Service (DARS), and took a most-favored nation exemption for these services. *Id.* at 24104, para. 25.

<sup>3</sup> *Id.* at 24099, para. 11; 47 CFR § 25.137(a). The presumption in favor of entry may be rebutted by opposing parties that show granting the application would cause competitive harm in the U.S. satellite services market. *Market Access Order*, 12 FCC Rcd at 24098, para. 7. In addition, where necessary to constrain the potential for anticompetitive harm in the U.S. market for satellite services, the Commission reserved the right to attach conditions to a grant of authority, and in exceptional cases, to deny an application. *Id.* at 24099, para. 11.

country in which the non-U.S. licensed space station is licensed and all countries in which communications with the U.S. earth station will originate or terminate.<sup>4</sup> While the Commission adopted a presumption that entry by WTO Member satellite systems will promote competition in the U.S. satellite services market, it also generally required non-U.S.-licensed satellite operators to meet the same technical and other requirements as U.S. space station license applicants.<sup>5</sup>

In adopting this framework and presumption, the Commission sought to afford greater opportunities for U.S. companies to enter previously closed foreign markets and thereby stimulate a more competitive global satellite services market.<sup>6</sup> Today, approximately one-fourth of the over 200 satellite systems approved under part 25 are licensed by foreign administrations.<sup>7</sup> The Commission's market-access analysis at that time considered the effect on competition in the United States (including any presumption in favor of entry),<sup>8</sup> as well as eligibility and operating requirements,<sup>9</sup> spectrum availability,<sup>10</sup> and national security, law enforcement, foreign policy, and trade concerns.<sup>11</sup>

*Status of International Reciprocity.* Since the Commission adopted its market-access framework nearly 30 years ago, the international regulatory landscape has changed.<sup>12</sup> Even as the U.S. continued to provide market access to foreign satellite operators, longstanding competitive restrictions by other countries have nevertheless persisted. And more recently, notable new barriers abroad have emerged against U.S. companies.

In the European Union (EU), the draft EU Space Act includes targeted supplemental requirements for non-EU entities to gain access to the EU market.<sup>13</sup> The United States submitted comments on the original draft law expressing "deep concern regarding measures in the proposed Act that would impose

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<sup>4</sup> *Id.* at 24099-24100, paras. 12-13; 47 CFR § 25.137(a)(2). Referred to as the Effective Competitive Opportunities – Satellite or ECO-SAT test.

<sup>5</sup> *Market Access Order*, 12 FCC Rcd at 24100, para. 15; *see, e.g.*, 47 CFR § 25.137(b)-(f). In following years, the Commission has refined its rules to further align its treatment of U.S.- and non-U.S.-licensed space stations, *see, e.g., Expediting Initial Processing of Satellite and Earth Station Applications*, Second Report and Order, IB Docket Nos. 22-411, 22-271, FCC 25-48, para. 38 (2025), while also noting instances where non-U.S.-licensed operators may hold regulatory advantages over U.S.-licensed operators. *See, e.g., Assessment and Collection of Regulatory Fees for Fiscal Year 2020*, Report and Order and Notice of Proposed Rulemaking, 35 FCC Rcd 4976, 4979, para. 7 (2020); *see also Space Modernization for the 21st Century*, Notice of Proposed Rulemaking, SB Docket No. 25-306, FCC 25-69, para. 83 (2025) (seeking comment on how to "ensure that operators who are granted authorization to access the U.S. market via a petition for declaratory ruling do not receive an advantage over entities holding a U.S. satellite license").

<sup>6</sup> *Market Access Order*, 12 FCC Rcd at 24099, para. 10.

<sup>7</sup> *See generally* Approved Space Station List, <https://www.fcc.gov/approved-space-station-list>. These foreign administrations are (ordered by number of approved satellite systems): The United Kingdom, Canada, Brazil, The Netherlands, France, Gibraltar, Japan, Mexico, Luxembourg, Papua New Guinea, Spain, Argentina, Australia, Colombia, and Norway.

<sup>8</sup> *Id.* at 24107-56, paras. 30-145.

<sup>9</sup> *Id.* at 24159-69, paras. 151-74.

<sup>10</sup> *Id.* at 24157-59, paras. 146-50.

<sup>11</sup> *Id.* at 24169-72, paras. 175-82.

<sup>12</sup> *See, e.g.*, 2025 National Trade Estimate Report on Foreign Trade Barriers (NTE Report), <https://ustr.gov/sites/default/files/files/Press/Reports/2025NTE.pdf>.

<sup>13</sup> *See* Proposal for A Regulation of the European Parliament and of the Council on Safety, Resilience and Sustainability of Space Activities in the Union No. 2025/033, COM (2025) (draft EU Space Act).

unacceptable regulatory burdens on U.S. providers of space services to European customers.”<sup>14</sup> The United States noted the potential for non-tariff barriers to “introduce challenges in the areas of space weather, remote sensing, space exploration, spaceflight safety, space debris mitigation and remediation, communications, as well as cooperations with the European Space Agency.”<sup>15</sup> Under the EU proposal, some of these requirements may be waived if the European Commission determines that the non-EU jurisdiction’s regulatory framework is sufficiently equivalent to its own.<sup>16</sup> The United States specifically requested that the EU “provide an equivalency decision with respect to the U.S. regulatory framework” which would “avoid duplicative compliance procedures for U.S. space operators and U.S. space service providers working with European counterparts.”<sup>17</sup>

In addition, in January 2026 the EU released a draft Digital Networks Act (DNA) which is meant to work with measures proposed under the draft EU Space Act.<sup>18</sup> The draft EU DNA pursues a harmonized and centralized EU framework for authorizations to use satellite spectrum that would grant EU-level rights of use under common conditions,<sup>19</sup> which may replace some elements of authorization by individual EU member-states with which U.S. satellite operators have become accustomed. It is not clear the EU DNA would require whole-scale re-licensing of U.S. systems in Europe.

Other barriers exist across the globe. Satellite television markets, for example, appear to have remained less competitive than markets for other satellite services, a concern that initially prompted the United States to take an exemption for DTH and DBS services.<sup>20</sup> For example, the Canadian government requires that more than 50% of the satellite television channels received by subscribers must be Canadian channels and that non-Canadian channels be pre-approved.<sup>21</sup> In India, for example, the Ministry of Information and Broadcasting maintains a preference for Indian satellites to provide capacity for DTH television services.<sup>22</sup> In the Republic of Korea, satellite retransmission channels are limited to no more

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<sup>14</sup> Comments of the United States of America on the Proposed EU Space Act, Ref. Ares (2025) 9484819 at 1 (U.S. Comments on draft EU Space Act).

<sup>15</sup> *Id.*

<sup>16</sup> Draft EU Space Act, Arts. 105-08.

<sup>17</sup> U.S. Comments on draft EU Space Act at 3-4; *see also* draft EU Space Act, Arts. 16 and 105. An updated draft of the legislation submitted by the Danish presidency appears to have addressed some of the United States’ concerns, *see* <https://data.consilium.europa.eu/doc/document/ST-16437-2025-INIT/en/pdf>.

<sup>18</sup> Proposal for a Regulation of the European Parliament and of the Council on digital networks, amending Regulation (EU) 2015/2120, Directive 2002/58/EC and Decision No 676/2002/EC and repealing Regulation (EU) 2018/1971, Directive (EU) 2018/1972 and Decision No 243/2012/EU (Jan. 21, 2026).

<sup>19</sup> *Id.* at 55; *see also id.* at 154-161. For space stations relying on an International Telecommunication Union (ITU) filing done by a “third country,” such as the United States, the draft requires a demonstration that “the jurisdiction of that country provides for effective resolution of harmful interference and implements tools for immediate accountability in case of unlawful use.” *Id.* at 157, Art. 39, 4(e).

<sup>20</sup> *See* World Trade Organization, Trade in Services Exemptions, GATS/EL/90/Suppl.2, The United States - List of Article II (MFN) Exemptions Supplement 2, (Apr. 11, 1997), <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/SCHD/GATS-EL/EL90S2.pdf&Open=True> at 2, stating, as the conditions creating the need for the exemption, the “[n]eed to ensure substantially full market access and national treatment in certain markets.” These services are subject to the Commission’s ECO-SAT test.

<sup>21</sup> NTE Report at 44. Foreign channels are further prohibited from owning video distribution infrastructure in Canada. Non-Canadian channels can become Canadian by ceding majority equity control to a Canadian partner, as some U.S. channels have done. *Id.*

<sup>22</sup> *Id.* at 208. In practice, Indian DTH licensees have not been permitted to contract directly with foreign satellite operators. Rather, DTH licensees must procure satellite capacity through Antrix, the commercial arm of the Indian

than 20% of the total number of operating channels.<sup>23</sup> Yet other countries require satellite operators to partner with local incumbents or meet domestic ownership criteria.<sup>24</sup>

National funding restrictions may also disproportionately affect U.S. satellite operators. In the United Kingdom, for example, the UK Space Agency allocates a significant portion of its budget—approximately 75%, or \$603 million, in 2023-2024—to European Space Agency (ESA) procurements, while U.S. companies are generally prohibited from competing on ESA contracts because the United States is not an ESA member state.<sup>25</sup> Fee discrepancies disadvantaging U.S. satellite operators may also arise. In Brazil, for example, foreign operators are required to pay higher annual fees for landing rights than Brazilian operators.<sup>26</sup> And local presence requirements may disadvantage U.S.-incorporated companies. In states of the Gulf Cooperation Council, telecommunications licenses are typically limited to locally registered entities, and broader foreign equity limits and government contracting requirements constrain foreign satellite service entry.<sup>27</sup>

*Comment Sought.* In light of these growing competitive and economic disadvantages, and potential barriers to U.S. satellite operators participating in foreign markets, we invite comment on the current state and expected evolution of satellite market access reciprocity in foreign countries. As observed above, the Commission applies a presumption that the public interest is served by granting market access to satellites licensed by WTO members that are providing WTO-covered services. This presumption was based on an assumption that commitments made under the WTO are sufficient to eliminate *de jure* or *de facto* barriers to entry by U.S.-licensed satellites in member countries for those covered services. We seek comment on whether that assumption is still accurate. Are there any cases today where the Commission applies a presumption of entry but, in fact, there may be a lack of effective competitive opportunities to provide analogous services in the country in which the non-U.S. licensed satellite operator is authorized to provide service? Should we assess such effective competitive opportunities in any manner that is different from our current framework? Should a competitive reciprocal opportunities test by the FCC apply equally to WTO and non-WTO foreign licensed systems? How might our assessment take account of, or be authorized by, our rights and treaty obligations under existing trade agreements (*e.g.*, bilateral, regional, or multilateral)?<sup>28</sup> Are there any other considerations we should take into account regarding foreign laws and legal developments with respect to the implementation of our rules and policies?

*Ex Parte Rules.* This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>29</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation

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Space Research Organization, which only permits foreign procurements if it does not have available capacity on Indian satellites. *Id.*

<sup>23</sup> *Id.* at 254.

<sup>24</sup> *See, e.g., id.* at 187, 337, 353, 355-56.

<sup>25</sup> *Id.* at 366.

<sup>26</sup> *Id.* at 33.

<sup>27</sup> *See id.* at 187.

<sup>28</sup> Any comments regarding WRC-27 issues including, but not limited to, satellite spectrum use or harmful interference, should be instead made through the appropriate channels for WRC-27. *See* Federal Communications Commission, *WRC-27*, <https://www.fcc.gov/wrc-27> (last visited Feb. 27, 2026).

<sup>29</sup> 47 CFR § 1.1200 *et seq.*

must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable.pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

*Filing Requirements.* Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

*Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/ecfs/>.

*Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

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*Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

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