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Guidelines on the licencing requirement for establishing and operating an earth station and radar and the related application process

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INTRODUCTION

These guidelines describe the licencing requirement for operating an earth station or radar referred to in the Act on Earth Stations and Certain Radars (96/2023) as well as matters related to the licence application process and monitoring of earth station and radar activities.

Definitions

The key definitions used in these guidelines are based on the Act on Earth Stations and Certain Radars.

Earth station means a transmitter that can transmit data or signals to a space-based system or a receiver that can receive data or signals from a space-based system, as well as the equipment used for the retention, processing, transfer and other handling of such data or signals.

Earth station activities mean transmitting data or signals to space or receiving data or signals from space through an earth station as well as the processing of such data or signals.

Radar means a transmitter that transmits radio signals or laser pulses to stations located in space or the stratosphere, and a fixed or separate receiver that processes the radar echoes reflected from these stations, as well as the equipment used for the retention, processing, transfer and other handling of such data or signals.

Radar activities mean the sending of radio signals or laser pulses to space or the stratosphere or the receiving of radio signals or laser pulses from space or the stratosphere through a radar as well as the processing of radio signals or laser pulses.

Operator means a natural person or legal person who engages in or intends to engage in earth station or radar activities or who is actually responsible for such activities.

Earth station data mean signals and data transmitted or received by an earth station or a radar as well as any products derived from them that are mainly not based on signals or data transmitted by equipment but on conclusions reached as a result of combining or manipulating different data or through calculations based on this data, regardless of the processing or storage stage or transmission or presentation mode of the signals and recorded data.

Licence application process

Figure 1 below describes the process of applying for a licence for earth station and radar activities.

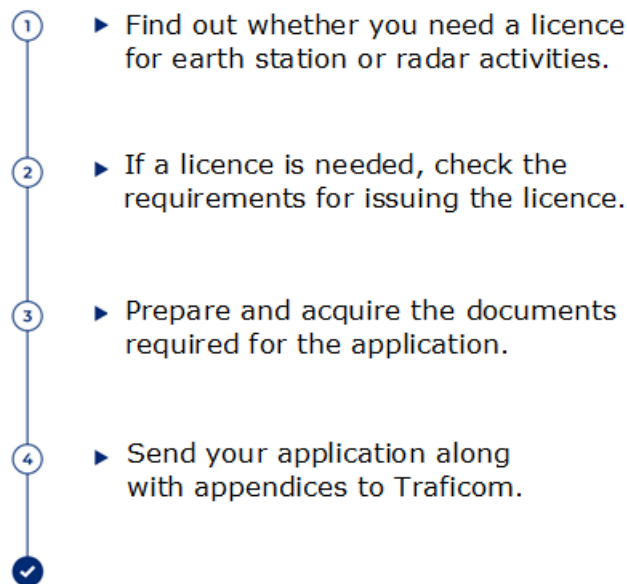


Figure 1. Process of applying for a licence for earth station or radar activities.

When do you need a licence for earth station and radar activities?

A licence referred to in the Act on Earth Stations and Certain Radars is required for the establishment and operation of an earth station and radar in Finnish territory and in a vehicle or vessel registered in Finland.

The scope of application of the Act does not cover the conventional use of satellite services. The Act is not applied to the transmission or reception of transmissions intended for general reception (such as satellite TV and radio amateur operations) referred to in section 136(2) of the Act on Electronic Communications Services (917/2014), the programme production connections or test use of short-term mobile satellite services that have been granted the licence for radio broadcasting, or conventional satellite terminals not operating subject to a licence (e.g. the positioning devices of conventional smart devices and navigators). However, receiving radiodetermination satellite communications with equipment other than a standard terminal mainly for purposes other than communications network synchronisation, radio navigation or other standard utilisation of time or geographic data is subject to licence. These purposes include receiving communications to monitor the quality of radiodetermination signals with separate fixed or mobile sensors.

Any earth station and radar activities started before the Act entered into force can be continued without a separate licence for the transition period until the end of January 2024. After the transition period, any operators continuing with the activities must have a valid licence.

Possession and use of radio transmitters require usually a separate licence for radio transmitting

The licence for earth station and radar activities is separate from the licence for radio transmitting. The licence for radio transmitting is subject to the Act on Electronic Communications Services. A licence for radio transmitting may also be required for earth station or radar activities and it is issued separately.

Learn more about the licence for radio transmitting on the Traficom website www.traficom.fi

Earth station and radar activities carried out by authorities

The Act applies to authorities and earth station and radar activities carried out by authorities in a restrictive sense. Authorities do not need a licence to operate earth stations and radars, if these activities are part of their authority duties. Authorities must, however, notify Traficom of any earth station and radar activities they engage in. In the case of commercial activity, a licence is also required of authorities.

A description of the activities carried out and compliance with the security requirements must be included in the notification. Authorities are also obliged to report any changes to their earth station and radar activities to Traficom.

Application

The licence for establishing and operating an earth station and radar is applied for by submitting a written free-form application to Traficom. Applicants are recommended to use Traficom's application form template and provide the necessary appendices. The application must include the necessary and reliable report of the prerequisites for issuing the licence.

Provision of supplementary information

The applicant may supplement the application before their case is decided. Traficom may request additional information necessary for the processing of the application until the information provided is deemed sufficient for making the decision.

Granting the licence and period of validity

Traficom will grant the licence if the requirements for issuing the licence are met.

If granting the licence is likely to affect national security, the licence application is decided by the Government. In such cases, Traficom will assign the processing of the licence application to the Government.

The licence is granted for a fixed period of up to ten years, primarily for the duration of the intended operations.

The licence is not transmitter- or receiver-specific. In general, it is possible to include the same operator's earth station/radar activities in the same licence.

Requirements for granting the licence

The following constitute the requirements for granting the licence for establishing and operating an earth station or radar:

- 1) the operator has been deemed reliable in line with section 5 of the Act;
- 2) the operator has provided the Finnish Transport and Communications Agency with a report on its compliance with the security requirements laid down in section 6 of the Act;
- 3) the operator has provided the Finnish Transport and Communications Agency with a report on the procedures it uses to know its customers;
- 4) the earth station and radar activities do not conflict with Finland's national security, international obligations or foreign and security policy; and

5) the transmitting earth station or radar has been granted a radio licence referred to in section 39 of the Act on Electronic Communications Services or the operator has applied for the licence.

The operator shall provide the necessary and reliable report of compliance with the aforementioned requirements in the application. In addition, the operator shall provide an account of its customers and customer groups as well as the ownership of the earth station or radar.

Terms of the licence

Traficom may attach terms and conditions it deems necessary for the security and monitoring of the activities to the licence. The licence may also include terms concerning the customers and security requirements of the earth station or radar operator.

Licence modification and cancellation

The licencing authority may modify or cancel a licence granted for earth station or radar activities if:

- 1) the licence application or appendices thereof include incorrect or incomplete information that has influenced the decision to grant the licence;
- 2) the operator or the earth station or radar activities no longer meet the requirements for issuing the licence;
- 3) the operator has neglected or violated the obligations or restrictions laid down in this Act or the terms of the licence materially;
- 4) it is necessary to modify or cancel the licence due to Finland's national security, international obligations or foreign and security policy; or
- 5) the operator transfers the licence to a company outside the group against the statutory prohibition to transfer its activities or if a change in control so requires.

The licencing authority may lay down necessary requirements for the secure continuation or termination of the earth station or radar activities in its licence modification or cancellation decision.

Transfer of licence

The licence for earth station or radar activities may not be transferred to any other party than a company operating within the operator's group referred to in section 6 of chapter 1 of the Accounting Act (1336/1997). The licencing authority must be notified of the transfer of the licence to another company within the operator's group without delay.

If the control referred to in section 5 of chapter 1 of the Accounting Act or equivalent effective control changes in relation to the operator, the licencing authority must be notified of this change immediately.

Supervision

Traficom supervises and monitors compliance with the Act on Earth Stations and Certain Radars and the provisions and decisions issued under the Act.

Obligation to provide information

The operator shall provide Traficom with an annual account of its earth station activities and customers.

The operator shall, without delay, inform Traficom of any changes that could affect the requirements for issuing the licence or the terms of the licence. The operator shall also notify Traficom of any changes in its customer relations and the ownership status of its earth station or radar activities.

Incident reports

The operator shall notify Traficom of any significant information security disturbances targeting or threatening its earth station or radar activities without delay but no later than within 24 hours of the discovery of the disturbance. In addition, the operator shall, without undue delay, report the estimated duration and impact of the disturbance or threat, the corrective measures taken, and the measures to be taken to prevent any repeat of the disturbance.

Appeals and implementation of decisions

Provisions on appealing Traficom's decisions to the administrative court are laid down in the Administrative Judicial Procedure Act (808/2019).

However, the decision on the conditional imposition of a fine and payment order as well as the imposition and execution of a conditional order of execution or suspension is subject to the Act on Conditional Fines.

A decision issued by Traficom may include a provision stipulating that the decision must be followed despite the appeal, unless otherwise provided by the appellate authority.

Fees

A fee of EUR 2,000 is charged for the processing of the application. Traficom charges the fee from the applicant.

The holder of the licence for earth station or radar activities is obliged to pay an annual supervision fee. The supervision fee is not refunded even if the earth station or radar operator closes its operations in the middle of the calendar year. The supervision fee for earth station and radar activities is charged as follows:

- 1) EUR 1,200 for commercial earth station or radar activities;
- 2) EUR 300 for non-commercial research or educational activities.

Outline of the licencing and supervision process

Figure 2 is an outline of the earth station and radar operation licencing and supervision process (for informative purposes).

Outline of the earth station and radar operation licencing and supervision process

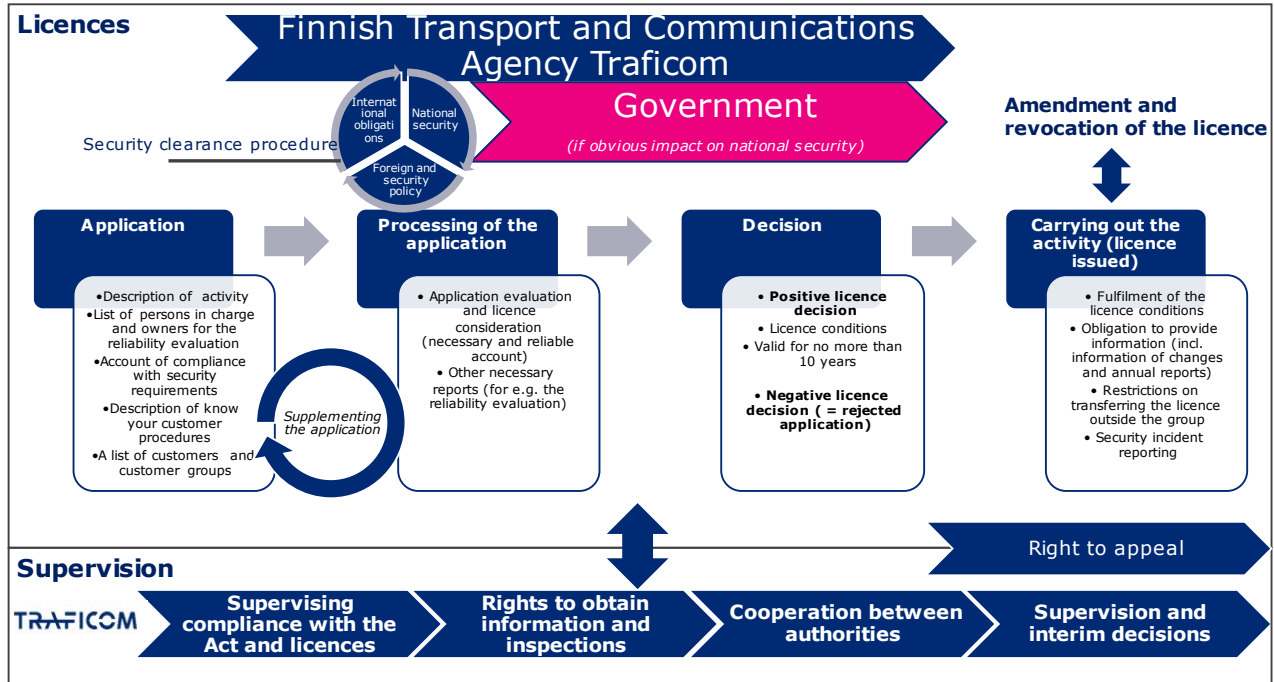


Figure 2. Outline of the earth station and radar operation licencing and supervision process.

Publicity of information and processing of information

Documents concerning earth station and radar operation licences are subject to the Act on the Openness of Government Activities (621/1999). Documents processed by authorities are public, unless otherwise provided in law. Documents may be kept secret pursuant to the grounds laid down in the Act on the Openness of Government Activities. These include essential grounds related to public and private interest, such as security arrangements and private economic interest (trade or business secret).

Anyone can send a request for information to Traficom. Everyone has the right to obtain information of public documents. Traficom decides whether to share its documents. If a document contains little confidential information, only the public sections of the document are shared and the confidential sections are hidden. If the request for information is rejected, Traficom may issue a written decision on request. The requester of information can appeal the decision to the administrative court.

The operator shall mark the information it deems confidential and provide the grounds for keeping this information secret in the application. Traficom decides whether this information is deemed confidential pursuant to the Act on the Openness of Government Activities. If Traficom’s view deviates from the operator’s view, Traficom shall hear the operator before making its final decision, if necessary.

Learn more about the processing of personal data at the Finnish Transport and Communications Agency: <https://www.traficom.fi/en/traficom/privacy-policy>

Enquiries

If necessary, operators can send a message to the following email for more information:

maa-asetat@traficom.fi.

APPLICATION

This section specifies which information must be included in the application.

The applicant shall indicate in the application that they are applying for a licence referred to in the Act on Earth Stations and Certain Radars (96/2023). Traficom has created an application form template for the licence in question and applicants are recommended to use it.

The next sections of these instructions have been numbered in the same order as in the application form template. You can find the template on Traficom's website: <https://www.traficom.fi/en/communications/communications-networks/licences-earth-station-and-radar-operations>

1 Applicant's (operator) information

The application must include the applicant's basic information (name, personal identity code/business ID, nationality/registration state, postal address, postal code and post office, home country, contact person, email address, telephone number, invoicing details).

2 Requested licence

The applicant shall indicate the activities the licence application concerns. The applicant can apply for a licence to:

- establish *and/or* operate an earth station
and/or
- establish *and/or* operate a radar.

3 Application type

The applicant shall indicate whether they are applying for a new licence or renewing, modifying or cancelling an already granted licence.

The applicant shall give the number of the already granted licence, if applicable.

4 Duration of the licence applied for

The applicant shall indicate the intended duration of the activities (start and end date) and the validity of the requested licence. The licence is granted for a fixed period of up to ten (10) years, primarily for the duration of the intended operations.

5 Description of activities

The application shall include a general description of the intended earth station and/or radar activities. The general description shall specify the intended activities,

including the purpose and objectives of the activities and a description of the earth station and radar activities, the impacts of the activities, and the organisation of the activities.

The application shall also indicate the intended location of the earth station or radar (aerials) and from where the earth station or radar activities will be operated (operations centre and other services).

The applicant shall describe the service it provides, e.g. data transmission, satellite command links, broadcast transmission links, satellite broadband/telecommunications service, reception and distribution of remote sensing data, and utilisation of satellite navigation signals.

The applicant shall specify the locations of activities and services (aerials, operations centre and other services). The locations can be illustrated by attaching a map image to the application, for example.

6 Technical specification

The application should include the technical specification of the equipment used, including technical devices and systems, and a description of the aerial used (size/diameter) and its properties.

The applicant shall indicate whether they use a receiving and/or transmitting earth station and/or radar.

The application should include an overview of the equipment's functions. The applicant shall also specify the height of the earth station or radar and the size of the aerial.

The application should include a description of the equipment's technical functions and capabilities (e.g. communication in a geostationary orbit or with LEO satellites) or the radar's capabilities in relation to the upper atmosphere or space (e.g. distance, accuracy).

In addition, the applicant shall indicate the devices used and their manufacturer, model, number, power and range.

The application should also include an account of any space objects or satellites the equipment can communicate with.

7 Radio licence

If the applicant is applying for a licence for operating a transmitting earth station or radar, the applicant shall provide an information of an granted or pending licence for radio transmitting (licence number/application date).

8 Procedures to know the customers

The applicant shall provide an account of procedures applied to know its customers.

The operator shall identify their customer when they establish a customer relationship with them or when they are completing an occasional or one-off service request for a previously unknown customer. 'Knowing the customer' refers to procedures applied to learn the identity of natural or legal persons based on the information provided by the current or new customer. The accuracy of personal data is verified from a reliable and independent source. A legal person's identity may be verified based on

an up-to-date extract from the trade register or an equivalent extract from another official register, which proves the existence and legal capacity of the legal person and contains the information of the members of the legal person's board of directors or other decision-making body.

The operator shall provide at least the following information concerning the procedures for knowing the customer: nature of the customer's activities, e.g. the legal person's industry and business activities, and grounds for using the services and earth station data provided by the operator. The applicant shall also describe how the procedures for knowing the customers have been implemented in the organisation (including the duties and responsibilities of the relevant entities).

9 Customer groups and customers

The applicant shall specify to whom they offer the service and its customer groups and customers.

The application shall indicate whether the service is provided to support research activity, operations of authorities or commercial activity, for example. Customer groups mean the type of customers and activities the service is intended for.

The applicant shall specify both the already known customers and potential new customers, taking into account the nature of the activities. The applicant can specify the customer relationship status and potential negotiations and operators for each customer as well as potential plans for cooperation.

The operator shall attach an account of the existing customers to the application.

10 Operator reliability (propriety) and list of relevant persons in charge

Granting the licence is conditional on the operator being evaluated as reliable (proper). Provisions on operator reliability are laid down in section 5 of the act.

Traficom will request the necessary extracts and accounts on the relevant persons to evaluate the operator's reliability. Regarding foreign persons, the applicant shall provide extracts from foreign registers (country of origin or operations) pursuant to subsections 2 and 4 of section 5 of the act. If no such extract or certificate is issued by a foreign person's country of operations, a statement made under oath or a solemn declaration valid in the person's country of operations shall be accepted as proof.

In order to evaluate the reliability of the operator, the application shall include a list of the persons in charge for the earth station activities (including the managing director and their deputy, members and deputy members of the board of directors, members and deputy members of the supervisory board and an equivalent body, active partners, and other members of top management) and owners who hold at least 10% of the ownership or voting rights in the applicant organisation. If the applicant is a limited liability company, a list of shareholders is usually required. Cooperatives shall provide a list of members and owners.

The list of relevant persons shall include the following information: full name, position or relation to the applicant, personal identity code/date of birth, nationality and place of residence.

The applicant shall confirm that all the relevant persons named are aware of the application for a licence for earth station or radar activities and that their reliability will be evaluated by Traficom.

The reliability evaluation does not apply to authorities referred to in the Act on Earth Stations and Certain Radars (96/2023).

11 Security requirements

The operator is responsible for the management of risks concerning the security of its earth station and activities. The activities and the operator must meet the security requirements laid down in section 6 of the Act on Earth Stations and Certain Radars:

- 1) the transmission, reception and other processing of earth station data is secure and the earth station or radar has been protected adequately against external disturbances and information security threats;
- 2) third parties do not have unauthorised access to the facilities used for the activities or the equipment used to control the earth station or radar or manage earth station data;
- 3) any information security breaches and threats targeting the earth station or radar as well as failures and disturbances that could affect the functionality of the earth station or radar significantly can be detected;
- 4) data, including earth station or radar commands, the encryption methods and encryption keys used, command times and routes, as well as other necessary log data, are retained for four years;
- 5) earth station data are not transmitted for military use to a state subject to an arms embargo issued by the European Union or the United Nations or for any other purpose subject to sanctions imposed by the European Union or the United Nations;
- 6) the operator is prepared to ensure the continuity of its operations, manage crises and recover from disturbances, and the operator has ensured the security of supply chains of electronic systems relevant for the activities; and
- 7) the operator documents the practices ensuring risk management and information system security.

Measures 1–4 and 6 must be commensurate with the operational risks, level of technical development to defend against potential threats and costs incurred by these measures. The applicant shall specify how these measures are set in proportion.

11.1 Risk management

The applicant shall provide a general description of the management of risks related to the security of the operator's earth station/radar and the related activities and how these risks are set in proportion to the operator's operational risks.

The application shall include an account of how the operator ensures and documents risk management and information system security. Risk management ensures and proves in a traceable manner (documented) that the security measurements are met.

The application should describe risk management as a whole:

- risk management procedures, e.g. security plans, practical testing or auditing of security plans, data protection and encryption products, compliance with certain established information security standards (e.g. ISO/IEC 27001:2013);
- risk management policy, including the criteria used to evaluate the magnitude and acceptability of risks;
- risk management plan: a description of how risk management is implemented at different stages or for different functions, how risks have been identified and evaluated, and how risk management has been documented;
- completed risk assessments and their results, including information of the risk assessment methods and software used (software name and version for computational methods), time of assessment (incl. updated analyses), and persons responsible, including information of the expertise of the persons who carried out the assessment.

11.2 Information security and protection

The applicant shall describe the measures taken to ensure the security of operations, telecommunications, equipment, software and data and that the systems and equipment used by the operator have been adequately protected from external interference and information security threats.

11.3 Access management and control

The applicant shall describe how access to the physical and information environment of the earth station/radar and the related facilities and equipment is managed and controlled and who have access to these facilities and equipment.

The operator shall ensure that third parties do not have unauthorised access to the facilities from which the earth station or radar is controlled or earth station data are managed. In addition to information security risks, third parties' physical access to the earth station or radar or facilities from which they are controlled or earth station data are managed can lead to the unauthorised use of earth station data or disrupt the operator's activities.

11.4 Ability to detect information security breaches and threats

The operator is obliged to monitor and manage the earth station and radar activities under its control and detect risks of interference. The operator's ability to detect security breaches and threats enables service users and Traficom to learn about information security breaches and threats, allowing service users, among others, to protect themselves against information security breaches and threats.

The applicant shall describe how any information security breaches and threats targeting the earth station or radar as well as failures and disturbances that could affect the functionality of the earth station or radar significantly are detected. The applicant shall also describe how the operator has prepared for recovery from possible disturbances. The operator must be able to identify disturbances in advance in order to address them.

11.5 Retention of commands, encryption data and log data

Earth station or radar commands, the encryption methods and encryption keys used, command times and routes, as well as other necessary log data, shall be retained for four years. 'Log' refers to a chronological record of events and their causes. Log data include the commands given to the system and sensors, encryption methods, codes used, and command times and routes. The applicant shall describe how the operator meets the aforementioned requirements in practice.

11.6 Management of earth station data

The application shall include an account of the entities to whom earth station data are disclosed, the persons who have access to the data, and the measures taken to organise and manage access control.

The operator shall not transmit earth station data for military use to a state subject to an arms embargo issued by the European Union or the United Nations or for any other purpose subject to sanctions imposed by the European Union or the United Nations.

11.7 Continuity management

The operator shall ensure the continuity of its operations, manage crises, prepare to recover from disturbances and ensure the security of supply chains of electronic systems relevant for the activities. The application shall include an account of the measures taken to ensure the management of the continuity of earth station or radar activities.

11.8 Documentation

The applicant shall describe how the procedures established to manage risks and ensure the security of information systems are documented.

The operator shall document the practices ensuring risk management and information system security. The aim of documentation is to promote the coherent management of risks and the operator's informed decisions regarding the magnitude of the measures taken to manage risks. Documentation means e.g. the preparation of written risk assessments, security guidelines or action plans, or security inspection documents. Documentation can be included in other plans concerning the management of security risks or contingency plans. Documentation enables authorities to evaluate compliance with the provisions retrospectively.

12 Description of earth station data

The application shall include an account of the earth station data received, processed and transmitted and its content as well as of the accuracy and timeliness of the data (e.g. for remote sensing data or the nature of telecommunications), whether the operator has access to the earth station data, whether the earth station data are encrypted, and relevant information about the encryption of the earth station data.

13 Obligation to provide information and security incident reports

The applicant shall describe the procedures used to ensure the obligation to provide information is fulfilled (information of changes that could affect the operator's eligibility for the licence or the terms of the licence, as well as changes in customer relationships and the status of ownership).

The applicant shall also describe the procedures used to ensure notifications of security incidents concerning information security are sent.

14 Serving documents electronically

At the application stage, the applicant may give their consent to the electronic processing of the application, including receiving a notification of the decision by email. Agreeing to electronic processing and notification means that any questions and completion requests pertaining to the matter may be submitted electronically. The applicant shall ensure that their email address is up to date and operational.

If the applicant does not consent to receiving the notification of the decision by email, the notification will be sent by post.

15 Publicity and confidentiality of information

If the applicant believes that the application and/or its appendices contain confidential information (e.g. trade or business secrets or documents concerning security measures), the applicant shall mention this in the application. Before sending the application, the applicant shall mark the confidential information and state the reason why this information shall be kept secret.

16 Additional information

The applicant may provide any additional information necessary in the application.

17 Appendices

The application shall include the necessary and sufficient appendices, e.g. reports or extracts of the operator's customers, owners, information security plans and other information relevant to the application. The implementation of the relevant practices and procedures in the operator's activities is also significant (the applicant can include e.g. a copy of an internal decision).

If necessary, the applicant shall provide an up-to-date extract from the Trade Register or Finnish Register of Associations or a partnership agreement, a power of attorney and any other relevant extracts that show the information provided in the application (ownership and authority, information security plans, internal practices and decisions, certifications, audit reports).

18 Date, signature and assurance

The applicant shall sign the application before sending it to Traficom. The application shall be signed by the applicant or a person authorised to sign on behalf of the applicant. If the applicant is a community, the application is signed by a person authorised to sign on behalf of the community. The application may be signed electronically.

The applicant declares that the information provided is true and the applicant has committed itself to the practices and procedures mentioned in the application.

19 Sending the application

The application is sent either by email to kirjaamo@traficom.fi (cc: maa-asetat@traficom.fi) or by post to the Finnish Transport and Communications Agency Traficom, PO Box 320, FI-00059 TRAFICOM, Finland.

You can find the instructions for sending encrypted messages here:

<https://www.traficom.fi/en/traficom/contact-details/sending-secure-email-traficom>