



OFFICE FOR COMMUNICATIONS
PRINCIPALITY OF LIECHTENSTEIN

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ORDER

The Office for Communications, in the administrative matter of

Rivada AG
c/o Industrie- und Finanzkontor
Herrengasse 21
9490 Vaduz
(Applicant)

due to

Application to the
International Telecommunication Union (ITU)
for provisional allocation of frequencies relating to the
3ECOM-1 and 3ECOM-3 filings
of the Principality of Liechtenstein and approval of the frequency usage agreement
between Rivada AG and Rivada Space Networks GmbH

under file number 735.3 / 2023-12288

on February 27, 2023

decided:

1. The Office for Communications (AK) grants Rivada AG authorization to carry out international coordination in accordance with Article 88 IFV as delegated operator of the AK at its own expense for all applications and coordination requests for frequency allocations submitted to the International Telecommunication Union (ITU) by the Office for Communications under the designation 3ECOM-1 and 3ECOM-3. Rivada AG must comply with the following requirements for international coordination:
 - a. Close cooperation with the AK and contracted consultants;
 - b. comprehensive and regular information of the AK, at least monthly;
 - c. in case of coordination problems, always consult with the AK;
 - d. to have contacts with operators and authorities only after consultation with the AK;
 - e. Ensuring the protection of the application against subsequent ITU applications. This includes in particular that Rivada AG independently monitors the circulars (satellite system publications, IFIC) of the ITU and arranges with the AK that "objections" (comments according to Article 9 RR) are filed against applications, coordination requests and/or new applications which may endanger its rights;
 - f. Assumption of all costs incurred: Rivada AG is obliged to bear its own costs, the costs of any third parties as well as all expenses of the AK in connection with the international coordination - e.g. for participation within the framework of coordination discussions on the part of the operator.
2. On the basis of the relevant provisions such as, in particular, Art. 33 of the Communications Act (KomG) and Art. 85, 88, 89, 90 para. 2 and 93 IFV, the Office for Communications shall, in accordance with the application, provisionally and conditionally grant the applicant individual rights of use to the frequencies which are the subject of the applications/coordination requests under the designation 3ECOM-1 and 3ECOM-3 with the ITU, with regard to the successful implementation of international coordination and to the extent to which the Principality of Liechtenstein acquires international frequency usage rights in accordance with the applicable regulations of the ITU. The subject of the notifications/coordination requests to the ITU are specifically the following frequency bands and ranges with regard to which the AK declared *Bringing Into Use* (BIU) to the ITU on June 1, 2021.

The respective assigned radio service results from the Liechtenstein Frequency Allocation Plan and ITU RR/Region 1:

FREQUENCIES ACCORDING TO BIU	
Transmission direction	Frequency range
space-to-ground	17.7 - 18.3 GHz
	18.3 - 18.6 GHz
	18.8 - 19.3 GHz
	19.3 - 19.7 GHz
	19.7 - 20.2 GHz
ground-to-space	27.5 - 28.35 GHz
	28.35 - 28.6 GHz
	28.6 - 29.1 GHz
	29.1 - 29.25 GHz
	29.25 - 29.5 GHz
	29.5 - 30.0 GHz

3. These rights of use shall be granted on a provisional basis for the duration of the international coordination. It is subject to a condition subsequent in that the rights of use are granted only with regard to the actual implementation of international coordination in compliance with the conditions imposed under Section 1 and shall terminate as soon as the authorized user fails to pursue international coordination in accordance with customary practice, discontinues international coordination or successfully terminates such coordination (by inclusion in the ITU's Master International Frequency Register). In the latter case, after the successful termination of international coordination, the allocation shall be made in the scope resulting from the international coordination. With regard to the scope, the frequency usage rights are conditional and limited to the scope which actually results from or within the framework of the international coordination in accordance with the applicable regulations of the ITU for the benefit of the Principality of Liechtenstein.

The rights of use and use of the frequencies shall be allocated subject to the following terms and conditions, which the authorized user shall be obliged to comply with, as well as to the following ancillary provisions:

- a. Compliance with the technical characteristics according to Special Sections/IFIC of the ITU.
- b. Abstention from and prevention of interference of existing systems.
- c. Actual control: upon request of the AK, it must be possible for the authorized user to immediately switch off the satellite transmissions in case of interference.

It must be ensured that the implementation of instructions of the AK concerning the operations is carried out and executed directly in Liechtenstein. In the event of a subsystem failure, appropriate replacement components (redundancy) or error prevention concepts (fail-safe systems, watchdog circuits) must be implemented to prevent undesired spectrum occupancy by uncontrolled transmitting radio stations.

- d. No frequency trading: apart from the permitted frequency usage described in para. 5), the rights of use transferred shall be exercised exclusively by the authorized user, who must be domiciled in Liechtenstein. Apart from the case according to item 5), the frequencies shall be allocated exclusively for direct use and may not be sublicensed or subcontracted without the express approval of the AK.
- e. The authorized user shall ensure the proper operation of the satellite system by deploying expert personnel so that no hazards can arise for third parties and/or for the proper handling of radio traffic. The AK is to be informed immediately of the earth stations (and backup stations) from which the satellite control takes place.
- f. The authorized user is obliged to comply with the provisions of the ITU.
- g. Liechtenstein is obliged under international law to implement decisions of the competent international bodies (bodies of the ITU, e.g. World Radiocommunication Conferences). Liechtenstein will use its competences under international law within the scope of its possibilities to protect frequency range allocations. However, it cannot be guaranteed to the authorized user that the frequency range allocations and other international provisions will remain unchanged as they were at the time the rights of use were granted. To the extent that changes occur later to the detriment of the authorized user, the authorized user must accept future restrictions on its transferred rights. This could, for example, affect the allocation status (primary, secondary) or the other radio services entitled to shared use. The business risk and, in particular, the costs arising from operational restrictions are borne by the authorized user.
- h. In particular, the authorized user must comply with the provisions of the Radio Regulations of the ITU for the prevention of "harmful interference" (radio interference). In the event of interference to other satellite systems or to third-party radio services caused by non-compliance with the regulations, the Office for Communications may impose operating restrictions or a ban on operation. The instructions of the AK must be complied with immediately in such cases. The business risk and in particular the costs arising from operating restrictions shall be borne by the authorized user.
- i. The authorized user shall notify the AK without delay of the commissioning and decommissioning of radio stations as well as changes to the identifying characteristics of the operation, insofar as this is relevant for the implementation of Art. 11

RR and Resolution 49 of the ITU ("Administrative Due Diligence" procedure) or for any revocation.

- j. The operation of satellites until the end of their service life must be arranged in such a way that sufficient reserves (of energy, fuel and functionality) remain for orbital maneuvers for decommissioning in accordance with international standards. The authorized user is obliged to notify the AC of the expected end of service life one year in advance. The authorized user can be given operational requirements for the implementation of international standards for the avoidance of space debris. The AC may issue instructions to the authorized user for operation at the end of the service life to an appropriate extent in order to specifically enforce the aforementioned international standards.
- k. The authorized user is obligated to ensure the protection of applications in progress at the ITU against subsequent ITU applications. This includes in particular that the authorized user independently monitors the circulars (satellite system publications, IFIC) of the ITU and arranges with the AK that "objections" (comments according to Article 9 RR) may be filed against new applications which may jeopardize these rights. The corresponding comment must be submitted to the AK by the authorized user in the form of a concrete text proposal no later than six weeks before the expiry of the international deadline, so that an examination is possible before forwarding to the competent national telecommunications administration. The authorized user is obliged to cooperate constructively in clarifying the radio compatibility. This also applies in connection with coordination requests from other telecommunications administrations or within the framework of (inter)national coordination in the case of subordinate application rights. If necessary, the authorized user shall actively participate in international coordination discussions in coordination and agreement with the AK, insofar as this is necessary to protect the applicant's rights or the ITU regulations make this necessary. The authorized user shall ensure the protection of the satellite systems and coordination with respect to subsequent applications by deploying expert personnel.
- l. The authorized user shall bear its own costs, the costs of any third parties and all expenses incurred by the AK in connection with the construction, expansion and operation of the satellite system - e.g. for further registrations with the ITU within the framework of "ITU Cost Recovery" pursuant to Council Decision 482 or for participation in coordination discussions on the part of the operator.
- m. The authorized user shall ensure that the provisions of the present granting of orbit and frequency usage rights are complied with by taking technical measures or by obligating third parties authorized to use the orbit and frequency usage rights after obtaining the corresponding approval from the AK.
- n. The authorized user is required to prepare and keep current a comprehensive business plan demonstrating that the spectrum subject to allocation will be used

efficiently for the purpose requested and disclosing detailed information regarding the following circumstances:

- The corporate structure and distribution of roles;
- The financial situation, including sources of funding and their availability;
- Business planning, including marketing & sales plan;
- The planned satellite system, including system architecture and "red button", as well as a clear indication of the number of satellites that will make up the constellation(s), together with details of the number of satellites required to bring the network into operation;
- Corporate Governance;
- The status of international coordination/coordination negotiations;
- Key milestones ("deliverables");

This business plan shall have the following minimum content:

- A precise description of the distribution of roles of the companies involved, i.e. which tasks they perform within the scope of the present order, as well as an overview of how the companies involved are legally and economically related. An overview of the contracts concluded and planned between the companies involved in this context with their main contents shall also be submitted.
- A report on the financial position of the Authorized users and Rivada Space Networks GmbH, submitting the financial statements for the last two years and the current budget, including sources of income, cash flow projections, and capital expenditures. In particular, information regarding the financing of the authorized users and Rivada Space Networks GmbH shall be provided in this regard (including supporting documentation) showing access to financing, including the type of financing (i.e. equity investment, debt financing options), the amount of financing available, the availability and term of the financing, the material terms of the financing, confirmation that no defaults have occurred that have not been waived or are likely to occur in the next 12 months, details of equity and debt providers (including names, amounts, percentage commitments and majority voting rights), information about their ownership and control, the country in which they are located, and the source of funds with respect to each financial provider.
- An overview of the sales organization, as well as an interim status regarding potential customers, presenting existing agreements as well as letters of intent.

- A technical overview of the system architecture of what the planned constellation(s) will look like, i.e., a block diagram showing the major elements including Network Operations Center (NOC) and Space/Satellite Operations Center (SOC), what their functions are, and where they are located. This shall include a quantity structure and geographic distribution. Information shall be provided on how a "red button" is accommodated in a NOC on Liechtenstein territory and how satellites are controlled without a SOC being established in Liechtenstein. Evidence shall be submitted to the AK that the ownership and control of the satellites will be with Rivada Space Networks GmbH and that the registration of the satellites will also be carried out via the Federal Republic of Germany.
- A statement that the planned satellite system will be used exclusively for civilian purposes and that military use is excluded, together with details of how this will be ensured.
- Details of the management of the Authorized Users and Rivada Space Networks GmbH including the following:
 - i. Positions and responsibilities of leadership team members.
 - ii. Explain expertise of satellite industry leadership team members in international regulatory compliance, financial management experience; technical experience, and commercial experience.
 - iii. Details of the management team with the required satellite project specific technical skills and responsibilities.
- o. The authorized user is obliged to send the AK a finalized version of this Business Plan in German and to keep the Business Plan up-to-date.
- p. The authorized user is obliged to submit to the AK an up-to-date report regarding all open and closed proceedings/investigations (incl. course of the proceedings and outcome) by national regulators and courts concerning the Rivada and Trion/KLEO groups of companies and to keep this report up-to-date.

Non-compliance with individual obligations constitutes grounds for revocation in addition to the grounds provided for in Art. 98 IFV.

4. If the authorized user fails to comply with these obligations or fails to do so properly, the Office for Communications may "suppress the filings" for all filings before the ITU.
5. Pursuant to Article 97 IFV, the Office for Communications shall approve the transfer of the rights of use for all frequencies covered by the allocation in question under item 2 in favor of Rivada Space Networks GmbH in order to enable the latter to operate the planned Low Earth Orbit (LEO) satellite system and to offer satellite services via this satellite system on a permanent basis. In doing so, Rivada Space Networks GmbH must fulfill

all of the requirements, conditions and ancillary provisions specified in the allocation. The Office for Communications declares its approval of the frequency usage agreement between the authorized user and Rivada Space Networks GmbH submitted to it with the application as Annex 2.

6. When Rivada Space Networks GmbH uses the frequencies allocated in accordance with Section 2, all ancillary conditions and parameters listed above must be complied with and all instructions issued by the AK must be followed.
7. The applicant shall coordinate the "performance bonds" offered in its application with the AK and deposit them in the form of bank securities.
8. The applicant owes the following fees

Decision fee, one time	3'500.00
Administrative expenses	5'199.90
Total	8'699.90

The allocation holder is obliged to inform the AK in good time about the forthcoming actual use of the allocated frequency usage rights.

The fees owed shall be paid within 30 days of notification of this decision by means of the enclosed payment slip to the Liechtenstein National Administration, National Treasury, Äulestrasse 38, 9490 Vaduz, stating the reason for payment by other means of execution.

Established facts

- A. The applicant, Rivada AG, was entered in the Commercial Register of the Principality of Liechtenstein on April 8, 2022 under the registration number FL-0002.681.482-3. Members of the Board of Directors with collective signatory rights are, as shown by the entries in the Liechtenstein Commercial Register:
- Bergmann, Princess v.u.z Liechtenstein Gisela Maria, StA: Liechtenstein, 9497 Triesenberg;
 - Ganley, Declan James, StA: Ireland, H54 Y925 Galway;
 - Kaiser, Dr. Ing. Clemens, StA: Germany, 85716 Unterschleissheim;
 - Meister, Wolf Severin Otto Sylvester Ferdinand Rafael, StA: Germany, 9495 Triesen; and
 - v.u.z. Liechtenstein, Prince Michael Karl Alfred Maria Felix Moritz Omnes Sancti, StA: Liechtenstein, 9490 Vaduz: Member of the Board of Directors with single signatory right.
- B. The Applicant is wholly owned by Rivada Space Networks GmbH, a limited liability company under German law with its registered office in Munich, registered in the Commercial Register of the Munich Local Court under number HRB 272408. Severin Meister, Dr. Clemens Kaiser, Declan James Ganley and Francis O'Flaherty are registered as managing directors of Rivada Space Networks GmbH.
- C. The applicant is part of the "Rivada" group of companies, which, in addition to the applicant and Rivada Space Networks GmbH, also includes Rivada Space Systems, LLC, Washington DC (USA), Rivada Networks Inc., Mc Lean, Virginia (USA) and Rivada Networks Ltd., Moyne Park (IRL).
- D. The frequencies subject to the application were previously provisionally allocated to Trion Space AG by order of the AK dated January 8, 2018, as amended by the order dated March 4, 2021. This provisional allocation was revoked with immediate effect by order dated today, AZ 2023-12287.
- E. Trion Space AG is a stock corporation under Liechtenstein law with its registered office in Vaduz, registered on September 12, 2017 in the Commercial Register of the Principality of Liechtenstein under FL-0002.555.812-1. According to the entries in the Liechtenstein Commercial Register, the Board of Directors of the beneficial owners is composed as follows:
- Meister, Wolf Severin Otto Sylvester Ferdinand Rafael, StA: Germany, 9495 Triesen: Member of the Board of Directors with collective signatory right;

- Oxfort, Michael Stephan, StA: Germany, 10711 Berlin: Member of the Board of Directors with collective signatory right
 - v.u.z. Liechtenstein, Prince Michael Karl Alfred Maria Felix Moritz Omnes Sancti, StA: Liechtenstein, 9490 Vaduz: Member of the Board of Directors with single signatory right;
 - Ganley, Declan James, StA: Ireland, H54 Y925 Galway: Member of the Board of Directors with collective signatory right; and
 - Kelder, Diederik George, StA: Netherlands, 2517HA The Hague: Member of the Board of Directors with collective signatory right.
- F. Trion Space AG is part of the "Trion/KLEO" group of companies, which also includes the following companies:
- KLEO Connect GmbH, a limited liability company under German law with its registered office in Munich, Germany, registered in the Commercial Register of the Local Court of Munich under HRB 233594;
 - KLEO AG, a stock corporation under Liechtenstein law with its registered office in Vaduz, entered in the Commercial Register of the Principality of Liechtenstein under FL-0002.550.125-2;
 - Celeste Holding AG, a stock corporation under Liechtenstein law with its registered office in Vaduz, entered in the Commercial Register of the Principality of Liechtenstein under FL-0002.555.841-6;
 - eightyLEO Holding GmbH, a limited liability company under German law with its registered office in Grünwald, Germany, entered in the Commercial Register of the Munich Local Court under HRB 218147;
 - Shanghai Spacecom Satellite Technology Ltd., a limited company under Chinese law with registered office in Shanghai, China; and
 - CED AG, a stock corporation under Liechtenstein law with its registered office in Vaduz, entered in the Commercial Register of the Principality of Liechtenstein under FL-0002.578.721-0.
- G. The reciprocal shareholdings (shares and voting rights) within the "Trion/KLEO" group of companies are as follows:
- KLEO Connect GmbH, Munich: 15% in Trion Space AG and 100% in KLEO AG;
 - Celeste Holding AG, Vaduz: 84.9% in Trion Space AG and 2.36% in KLEO Connect GmbH;

- eightyLEO Holding GmbH, Grünwald: 0.1% in Trion Space AG and 44.92% in KLEO Connect GmbH;
 - Shanghai Spacecom Satellite Technology Ltd, Shanghai: 42.72% in KLEO Connect GmbH;
 - CED AG, Vaduz: 10% in KLEO Connect GmbH.
- H. On June 1, 2021, the AK declared *Bringing Into Use* (BIU) for certain frequency ranges to the ITU via corresponding order of the Administrative Appeals Commission (VBK). Based on this declaration, the following frequencies are still subject to the 3ECOM-1 and 3ECOM-3 applications:

FREQUENCIES ACCORDING TO BIU	
Transmission direction	Frequency range
space-to-ground	17.7 - 18.3 GHz
	18.3 - 18.6 GHz
	18.8 - 19.3 GHz
	19.3 - 19.7 GHz
	19.7 - 20.2 GHz
ground-to-space	27.5 - 28.35 GHz
	28.35 - 28.6 GHz
	28.6 - 29.1 GHz
	29.1 - 29.25 GHz
	29.25 - 29.5 GHz
	29.5 - 30.0 GHz

- I. In its decision of May 20, 2022, the AK approved the transfer of the rights of use of all frequencies covered by the provisional allocation of January 8, 2018, as amended by the decision of March 4, 2021, from Trion Space AG to Rivada AG and Rivada Space Networks GmbH according to Art. 97 of the Ordinance of 8 May 2007 on Means of Identification and Frequencies in the Field of Electronic Communications (IFV), LGBI. 2007, No. 118, for the entire duration of the allocation in order to enable these companies to operate the planned Low Earth Orbit (LEO) satellite constellations and to offer satellite services via these satellite constellations on a permanent basis. At the same time, the AK declared its approval of the frequency usage agreement between Trion Space AG, Rivada AG and Rivada Space Networks GmbH that had been forwarded to it. In decisions of the Administrative Court (VGH) of January 30, 2023 on VGH 2022/071, 2022/072 and 2022/073, this order was confirmed in the final instance.
- J. The applicant and Rivada Space Networks GmbH are planning to set up two satellite constellations. These two companies have already submitted extensive information, documents and details on the business plan and the technical concept to the AK.

- K. The AK examined the business plans submitted by the applicant and Rivada Space Networks GmbH in May 2022 and came to the conclusion that they met the requirements of the Office. At the same time, a report was already prepared in connection with the approval of the frequency usage agreement between Trion Space AG, the applicant and Rivada Space Networks GmbH, containing a detailed examination of the content and improvements to be made in the future, which should be taken into account before the final frequency assignment order (FFAO) is issued.
- L. The applicant plans to conclude a frequency usage agreement with Rivada Space Networks GmbH, the content of which corresponds to the frequency usage agreement between Trion Space AG, the applicant and Rivada Space Networks GmbH already approved by the AK in its decision of 20 May 2022. This frequency usage agreement is subject to the condition precedent that the AK gives its approval to the conclusion.
- M. The Applicant and Rivada Space Networks GmbH are already carrying out all operational activities on the basis of the frequency usage agreement between Trion Space AG, Rivada AG and Rivada Space Networks GmbH, which was approved by the AK's order of May 20, 2022.
- N. The companies attributable to the "Trion/KLEO" group of companies or their corporate bodies are currently facing each other as parties or intervening parties in numerous different proceedings (administrative appeal proceedings, court proceedings and arbitration proceedings) in Germany and abroad.
- O. Trion Space AG is no longer (fully) capable of acting due to the special quorums and approval requirements for the passing of resolutions of the supreme body pursuant to Art. 5 let. c and e as well as Art. 10 para. 1 let. c and d of the Articles of Association of April 3, 2018 in connection with the ongoing and profound disputes on shareholder level resp. within the "Trion/KLEO" group of companies, it is no longer (fully) capable of acting and, in particular, is no longer in a position to properly exercise or fulfill the rights and obligations arising from the provisional allocation of frequencies in relation to the 3ECOM1 and 3ECOM-3 filings of the Principality of Liechtenstein with the International Telecommunication Union, for which BIU was declared on June 1, 2021. It is also not in a position to change this situation because the amendment to the Articles of Association is also subject to special quorums and approval requirements (unanimity) pursuant to Art. 5(a) of the Articles of Association of April 3, 2018.
- P. The milestones ("Milestones") of the ITU for the frequencies subject to the proceedings are:

Filing	Milestone 1 ("Waiver" is requested)	Milestone 2	Milestone 3
3ECOM-1	28 satellites (10%) on June 10, 2023	144 satellites (50%) on June 10, 2026	288 satellites (100%) on June 10, 2028
3ECOM-3	28 satellites (10%) on September 18, 2023	144 satellites (50%) on September 18, 2026	288 satellites (100%) on September 18, 2028

Due to the delays which have occurred - in particular as a result of the disputes at shareholder level and within the "Trion/KLEO" group of companies - the AK must apply to the ITU for a so-called "waiver" with regard to Milestone 1, whereby an exemption from the obligation to develop 10% of the satellites by June 10, 2023 or September 18, 2023 is being sought in order to avert the loss of the filings of the frequencies which are the subject of the proceedings with the ITU and thus to preserve the chance of realizing the satellite project in question. If a milestone is not reached and no waiver is granted, Liechtenstein will lose the filings of the frequencies in question with the ITU, which would automatically result in the termination of the domestic procedure.

- Q. With the subject application of February 24, 2023, the applicant requests the provisional allocation of the frequencies relating to the 3ECOM-1 and 3ECOM-3 filings of the Principality of Liechtenstein with the International Telecommunication Union, for which BIU was declared on June 1, 2021, pursuant to Art. 89 and 92 IFV in conjunction with Art. 33 KomG and the approval of the frequency usage agreement between Rivada AG and Rivada Space Networks GmbH pursuant to Art. 97 IFV. At the same time, it proposes to revoke the provisional frequency allocation in favor of Trion Space AG and submits in summary as follows:

Trion Space AG is currently the beneficiary of a provisional frequency allocation on the basis of the AK's order of January 8, 2018, as amended by the order of March 4, 2021, as amended by the decision of the VGH of November 4, 2021 on VGH 2021/061, which is legally binding. The provisional frequency allocation referred to the frequencies which were the subject of the filings of the Principality of Liechtenstein with the International Telecommunication Union designated as 3ECOM-1 and 3ECOM-3, which included the following frequencies or frequency ranges in the current status:

FREQUENZEN NACH BIU	
Übertragungsrichtung	Frequenzbereich
space-to-ground	17.7 – 18.3 GHz
	18.3 – 18.6 GHz
	18.8 – 19.3 GHz
	19.3 – 19.7 GHz
	19.7 – 20.2 GHz
ground-to-space	27.5 – 28.35 GHz
	28.35 – 28.6 GHz
	28.6 – 29.1 GHz
	29.1 – 29.25 GHz
	29.25 – 29.5 GHz
	29.5 – 30.0 GHz

Trion Space AG had initially concluded a frequency usage agreement with KLEO AG with the approval of the AK. Due to the massive problems in the consortium, where KLEO AG and KLEO Connect GmbH had been the main companies in addition to Trion

Space AG, it was impossible to press ahead with the satellite system planned by these companies. For this reason, Trion Space AG terminated the frequency usage agreement with KLEO AG without notice on March 2, 2022 for good cause.

Following approval by the Office for Communications, Trion Space AG concluded a new frequency usage agreement with Rivada AG and Rivada Space Networks GmbH in a decision dated May 20, 2022, AZ 2022-5064 (legally binding). The frequency usage agreement is intended to enable Rivada AG and Rivada Space Networks GmbH to set up and operate two satellite constellations in low-earth orbit (LEO), each with 300 satellites, for a total of 600 satellites, in various orbits, and to offer global communications and data services via this satellite constellation.

Rivada AG and Rivada Space Networks GmbH depended on the existence of the frequency usage agreement with Trion Space AG and the existence of the provisional frequency allocation to Trion Space AG for frequency usage by the satellite constellations. It was known to the authorities that there were serious problems within Trion Space AG, which posed great risks for Rivada AG and Rivada Space Networks GmbH. The massive disputes at the shareholder levels of KLEO Connect GmbH and KLEO AG also affected Trion Space AG, irrespective of the majority shareholding of the "Rivada" group of companies of just under 84.9% via the minority shareholding of KLEO Connect GmbH of 15% in Trion Space AG. Again and again, new legal proceedings would be initiated by KLEO Connect GmbH, KLEO AG or individual shareholders. Orders of the AK would also be challenged, for example the decision of the Office for Communications in May 2022 to approve the frequency usage agreement between Trion Space AG, Rivada AG and Rivada Space Networks GmbH. Although the VBK and the VGH had rejected or dismissed the appeals and confirmed the contested decisions of the Office for Communications (VBK 2022/33, 2022/34 and 2022/35 of September 15, 2022; VGH 2022/071, 2022/072 and 2022/073 of January 30, 2023), there was still the possibility of an individual appeal to the StGH.

In the meantime, the Chinese side of the consortium was applying the so-called "lawfare" explicitly recognized by the People's Republic of China as part of its strategic doctrine. Lawfare is the abuse of the legal system to prevent the opponent from exercising his rights and to consume his resources such as time and money. On the one hand, this is shown by the sheer mass of proceedings both in Liechtenstein and in Germany. The Chinese side of the consortium regularly had identical or almost identical applications filed with the same court. On the other hand, secret proceedings were deliberately initiated to the detriment of Trion Space AG.

The fact that the consortium was, moreover, no longer in a position to implement the satellite project was shown by a letter from the legal representative of KLEO AG (RA Dr. Niedermüller) dated 29 August 2022 to the legal representative of Trion Space AG, which was already known to the authorities, on page 6 of which he stated unequivocally that the consortium would only be in a position to maintain the assurance of fulfillment of the Milestone 1 criteria if it could start production of the satellites by 1

September 2022 at the latest. For this, however, it would be necessary for AK and Trion Space AG to resume their cooperation with the consortium. After this had not been the case for known and good reasons, the consortium was, according to the own statements of KLEO AG in the letter of RA Dr. Niedermüller dated 29.08.2022, no longer in a position to lead the satellite project to success for a long time.

As mentioned, the AK was aware of the problems within the consortium. In this context, reference was also to be made in particular to the provisional proceedings on 06 CG.2022.92 and 07 CG.2022.78 that had been conducted. In both proceedings, the Head of the Office, Dr. Schnepfleitner, had testified extensively as a witness and had emphasized that the Business Plan 3.0 prepared by the consortium had not met the requirements of the Office, so that the withdrawal of the frequencies would have been the only conceivable consequence if the Office had had to review this Business Plan. The Business Plan 3.0 was even a step backwards compared to the Business Plan 2.0, which was also inadequate, and this has since been verified with the help of external consultants.

In the light of the provisions of the articles of incorporation and bylaws of Trion Space AG and KLEO Connect GmbH, the ongoing proceedings and further proceedings to be expected in the future give rise to great uncertainties and risks for Rivada AG, Rivada Space Networks GmbH and, not least, for the Principality of Liechtenstein and the ongoing proceedings at the ITU. There is a risk that Trion Space AG, due to the requirements of the Articles of Association, in particular the unanimity requirement pursuant to Art. 10 of the Articles of Association of Trion Space AG, on the basis of which resolutions at the shareholder level are not (or no longer) possible, there is a risk that Trion Space AG will not be in a position to ensure compliance with the ancillary provisions from the allocation order, the statutory obligations from the KomG and the IFV, the contractual obligations from the frequency usage agreement with Rivada AG and Rivada Space Networks GmbH as well as its obligations with regard to its role as operator at the ITU. As a result, the existence and preservation of the rights under the ITU filings, the preservation of the provisional frequency allocation to Trion Space AG and the preservation of the frequency usage agreement between Trion Space AG, Rivada AG and Rivada Space Networks GmbH were said to be in serious and immediate jeopardy.

For Rivada AG and Rivada Space Networks GmbH, these uncertainties meant that the planning and activities for the construction of the two LEO satellite constellations with a total of 600 satellites could not be reliably implemented.

In order to conclude the necessary contracts with prime contractors for the construction of the satellite constellations, the ground segments and the necessary launch services, Rivada AG and Rivada Space Networks GmbH require security with regard to the long-term and continuous availability of the radio frequencies. This security was also required by the investors and strategic partners with whom the companies were currently holding intensive talks for the financing of the construction of the satellite

constellations. Delays in decisions and activities as well as legal uncertainties could in particular also lead to the milestones under RES 35 of the ITU WRC 2019 not being successfully met (or the suspension of milestone 1 not being successfully applied for), which would result in a substantial loss of international frequency usage rights for the Principality of Liechtenstein and the Rivada companies.

The current construct with the role of Trion Space AG as allocation holder in Liechtenstein and notified operator at the ITU is no longer sustainable, because according to Art. 10 lit. c and d of the Articles of Incorporation, in particular resolutions on the determination of the number of members of the Board of Directors as well as their appointment, regulation of their signing rights and dismissal as well as on the approval of the conclusion, amendment or termination of contracts with satellite operators on the granting of rights of use as well as on the application for, amendment or extension of official approvals, namely of frequency allocations of the Office for Communications in the Principality of Liechtenstein require unanimity - which is not (any longer) possible under the given circumstances. This was impressively demonstrated by the above-mentioned proceedings against the decision of the AK to approve the frequency usage agreement between Trion Space AG, Rivada AG and Rivada Space Networks GmbH. The results of the other currently ongoing proceedings and their consequences could not be foreseen; moreover, new proceedings could be initiated at any time.

Rivada AG and Rivada Space Networks GmbH had made every effort to find amicable solutions with Trion Space AG for the situation described above. However, due to the shareholder structure and the various court proceedings in the area of its business activities of interest here, Trion Space AG is no longer capable of making decisions and acting, as unanimous resolutions are required for essential organizational and project-relevant decisions of the company, which, however, cannot (or can no longer) be achieved due to the ownership structure described above (15% shareholding of KLEO Connect GmbH). In order to ensure the preservation of the international frequency usage rights and to enable Rivada AG together with Rivada Space Networks GmbH to set up the satellite constellations, steering measures by the AK are therefore urgently required.

With this in mind, the AK had already sent a letter to the ITU on February 1, 2023, to change the operating agency for the 3ECOM-1 and 3ECOM-3 procedures currently running at the ITU from Trion Space AG to Rivada AG.

In addition, Rivada AG and Rivada Space Networks GmbH considered it necessary that Rivada AG, after being designated as the new operator at the ITU, also become the direct allocation holder and authorized user of the frequencies in Liechtenstein. This would put an end to the possibilities of KLEO Connect GmbH and KLEO AG or their shareholders to exert influence. In the light of the legal disputes to date, these shareholders could only be interested in destroying the satellite project, after the AK had repeatedly and unequivocally made it clear that there would definitely no longer be a

satellite project with the shareholders of KLEO Connect GmbH behind the legal attacks. It therefore seemed urgently necessary to put an end to this behavior.

If Rivada AG becomes the direct authorized user of the frequencies, this would result in a simplification of the governance structure of the companies involved. Decision-making processes would be accelerated and an integral solution could be implemented within the Rivada companies. Already today, all operational activities would be carried out by Rivada AG and Rivada Space Networks GmbH, so that there would in fact be no changes with regard to the use of frequencies, the implementation of the business plan and the set-up of the satellite constellations.

Therefore, the applicant requested the individual and provisional allocation of the frequencies in question with an order. With this order, the applicant would become the immediate allocation holder and would be directly responsible for compliance with the conditions and requirements and fulfillment of the ancillary provisions of the allocation and the statutory obligations, and the AK could act directly vis-à-vis the applicant. According to the applicant, as the allotment holder, it is willing to assume and fulfill the obligations arising from the ancillary provisions of the provisional allotment and the statutory provisions in full with immediate effect and for the future. Further, the Applicant undertakes to post "performance bonds" as bank security to express its commitment to achieve the ITU Milestones.

The applicant is aware that the requested allocation order is linked to the revocation of the provisional allocation to Trion Space AG of January 8, 2018 pursuant to Art. 98 IFV. The prerequisites for such a revocation existed, since Trion Space AG as the authorized user did not fulfill its obligations and Trion Space AG as the allocation holder was itself not (or no longer) in a position to use the allocated frequencies in accordance with the terms of use. Trion Space AG itself did not have any plans of its own for the use of frequencies or for the offer of communication services based on this use of frequencies.

Trion Space AG's business activities consist solely of brokering the rights of use from the provisional allocation to suitable satellite operators, which since the conclusion of the frequency usage agreement have been Rivada AG and Rivada Space Networks GmbH. All measures for international coordination would be carried out (de facto) by the applicant and Rivada Space Networks GmbH.

The applicant, on the other hand, fulfilled all requirements for the frequency allocation. Already with the approval of the frequency usage agreement between Trion Space AG, Rivada AG and Rivada Space Networks GmbH, the AK had checked and confirmed the existence of all necessary prerequisites at the applicant and Rivada Space Networks GmbH. The applicant and Rivada Space Networks GmbH were entered in the Commercial Register of the Principality of Liechtenstein and the Local Court of Munich, respectively, and had unrestricted legal capacity to act. The business plan available to the AK in its current version proves that the applicant and Rivada Space Networks

GmbH have all the necessary technical, material, personal and economic resources for the use of the allocated frequencies and for compliance with the conditions of use applicable to them. The applicant and Rivada Space Networks GmbH were committed to implementing the submitted business plan with all their strength, so that the satellite constellations would be set up in due time in accordance with the applicable milestones of the ITU and with the ancillary provisions of the allocation and the statutory obligations. The applicant and Rivada Space Networks GmbH had already assumed and continued to assume the international coordination of frequency use under the frequency use agreement in accordance with the ITU regulations. The Board of Directors of the applicant, the management of Rivada Space Networks GmbH and the other key persons of the companies had already been appointed and known to the Office for Communications and had been checked by the AK for their personal integrity and their expertise. For the planned increase in the applicant's staff, the necessary information would be provided to the AK promptly after the respective recruitment and reported within the framework of the monthly update meetings.

The following attachments were added to the application:

- Overview of proceedings currently underway in Liechtenstein (Annex 1);
- Frequency Usage Agreement between Rivada AG and Rivada Space Networks GmbH dated February 24, 2023 (Annex 2)
- Articles of Association and Share Register of Rivada AG as of April 7, 2022 (Annex 3)
- Articles of Association of Rivada Space Networks GmbH, together with certification dated January 27, 2022, list of shareholders of Rivada Space Networks GmbH, together with certification dated February 17, 2022, and extract from the Commercial Register of Rivada Space Networks GmbH of the Local Court of Munich dated February 23, 2023 (Annex 4)

Evaluation of evidence

The findings are based, on the one hand, on the conclusive arguments submitted by the parties in connection with the application for frequency allocation and approval of the frequency usage agreement, including enclosures, and, on the other hand, on a detailed review of the (updated) business plans submitted as well as circumstances known to the authorities.

Reasons for decision

1. By decision of the AK dated January 8, 2018, the AK granted Trion Space AG permission to carry out international coordination pursuant to Art. 88 IFV as delegated operator of the Office for Communications at its own expense for all applications and coordination requests for frequency allocations submitted by the Office for Communications under the

designation 3ECOM-1, 3ECOM-2 and 3ECOM-3 to the International Telecommunication Union (ITU). This was subject to more detailed conditions. At the same time, the AK granted Trion Space AG, on the basis of the relevant provisions such as in particular Art. 33 KomG as well as Art. 85, 88, 89, 90 para. 2 and 93 IFV, the AK granted individual rights of use to the frequencies which are the subject of the applications / coordination requests under the designations 3ECOM-1, 3ECOM-2 and 3ECOM-3 with the ITU, provisionally and conditionally in accordance with the application, with a view to the successful implementation of international coordination and to the extent to which the Principality of Liechtenstein acquires international frequency usage rights in accordance with the applicable regulations of the ITU. This is subject to more specific terms and conditions, which the assignment holder is obligated to comply with, as well as to corresponding ancillary provisions.

2. In an AK order dated March 4, 2021, AZ 730.3 / 2020-869, the AK ordered the adjustment of the order dated January 8, January 2018, authorizing Trion Space AG to carry out the international coordination pursuant to Article 88 IFV as delegated operator of the Office for Communications at its own expense for all applications and coordination requests for frequency allocations submitted by the Office for Communications under the designation 3ECOM-1, 3ECOM2 and 3ECOM-3 to the International Telecommunication Union (ITU), and the provisional and conditional allocation of rights of use in favor of Trion Space AG, to the effect that item 3. of the order of January 8, 2018 was supplemented by more detailed ancillary provisions (n) to q) and a further ruling point 3.1 was inserted. It was necessary to refrain from adopting this ruling item 3.1, as the intended date by which the business plan had to be submitted and certain information had to be provided is in the past.
3. In its decision of May 20, 2022 on 2022-5064, the AK approved the transfer of the rights of use for all frequencies covered by the provisional allocation of January 8, 2018, as amended by the decision of March 4, 2021, for the entire duration of the allocation in favor of Rivada AG and Rivada Space Networks GmbH, as well as the frequency usage agreement between Trion Space AG, Rivada AG and Rivada Space Networks GmbH, in accordance with Art. 97 Par. 1 IFV.
4. The Articles of Association of Trion Space AG dated April 3, 2018, read as follows, to the extent relevant here:

Art. 5 Letters c and e

"The General Meeting of Shareholders is the supreme body of the Company. Its exclusive competence includes in particular: [...]

c. determination of the number of members of the Board of Directors as well as their appointment, regulation of their subscription rights and dismissal of the same (the refusal to appoint a member of the Board of Directors designated under Article 12 paragraph 2 and nominated by the shareholder concerned shall always require an objective reason); [...].

e. Consent to the conclusion, amendment or termination of contracts with satellite operators for the granting of rights of use and to the application for, amendment of or extension of official permits, namely frequency allocations by the Office for Communications in the Principality of Liechtenstein; [...]"

Art. 10 Para. 1 Letters a, c and d

"For resolutions [...]

a. on amendments to the Articles of Association, changes in the share capital of the Company with the exception of resolutions pursuant to Art. 10 para. 2 b); [...].

c. to determine the number of members of the Board of Directors as well as their appointment, regulation of their signing rights and dismissal of the same;

d. concerning the approval of the conclusion, amendment or termination of contracts with satellite operators for the granting of rights of use, as well as the application for, amendment of or extension of official approvals, namely frequency allocations by the Office for Communications in the Principality of Liechtenstein,

unanimity is always required, and in addition the entire share capital must be represented when resolutions are passed. If this is not the case, the Chairman of the Board of Directors may convene a new General Meeting with the same agenda items, taking into account the same invitation period, which shall constitute a quorum irrespective of the number of shares represented. Resolutions shall, however, also require the unanimity of the shares represented at the second meeting."

5. The Articles of Association (GesV) of KLEO Connect GmbH as amended on August 1, 2019 and the Rules of Procedure of KLEO Connect GmbH as amended on April 9, 2018 (GeO) read, as far as relevant here, as follows:

§ 9.5 letter f GesV

A majority of more than 91% of the votes cast is required for the following shareholder resolutions: [...]

granting approval for management measures that require the approval of the shareholders' meeting in accordance with the applicable rules of procedure for the management or the management team;

§ 10.2 let. f GeO

"In particular, in order to undertake the following legal transactions and measures, the members of the Management Team require a prior consenting resolution of the Shareholders' Meeting: [...].

Resolutions in shareholders' meetings of associated companies of the Company (i) concerning the performance by an associated company of legal transactions and measures specified in the above catalog, and (ii) concerning measures for which the shareholders' meeting is responsible at the Company."

In the opinion of the competent German courts, these special quorums and approval requirements (also) apply to all resolutions adopted in shareholders' meetings of associated

companies, irrespective of whether a majority or minority shareholding is involved (see Landgericht München I, judgments of October 26, 2022 on 16 HK O 3831/22 and of October 28, 2022 on 16 HK O 9986/22; Kammergericht Berlin, judgment of October 28, 2022 on 14 U 41/22).

6. On the basis of the procedural lists available to the AK, it is shown that numerous proceedings are being conducted between the companies of the group of companies "Trion/KLEO" or their bodies both before ordinary courts and arbitration courts as well as before administrative authorities and courts. Most recently, in the proceedings before Liechtenstein and German civil courts, namely the Princely Supreme Court (decisions of 15 CG.2022.130, ON 90, and 06 CG.2022.92, ON 57), the Munich I Regional Court (judgments of October 26, 2022 on 16 HK O 3831/22 and of October 28, 2022 on 16 HK O 9986/22) and the Berlin Court of Appeals (judgment of October 28, 2022 on 14 U 41/22), in so far as they mean that the companies of the "Trion/KLEO" group, whose articles of association and bylaws have special quorums of approval, are not entitled to the approval of the Supervisory Board. Articles of Association provide for special quorums and approval requirements for the adoption of resolutions by the supreme body or the administration, first and foremost Trion Space AG and KLEO Connect GmbH, are no longer capable of acting (without restriction) insofar as these special quorums and approval requirements can no longer be achieved under the given circumstances. To make matters worse, these requirements under the Articles of Association or the Articles of Incorporation can also no longer be changed due to the same requirements for amendments to the Articles of Association or the Articles of Incorporation, because it must be considered impossible that the opposing camps within the "Trion/KLEO" group of companies will ever reach such an agreement within a useful period of time, i.e. before the relevant milestones of the ITU are reached. This is relevant in the present context insofar as the (unrestricted) ability to act in general and, with regard to decision items concerning the use of frequencies, in particular, constitute a mandatory prerequisite for the (provisional) allocation of frequencies. In summary, it therefore follows that, taking into account the mutual shareholding relationships within the corporate group "Trion/KLEO", the special quorums and approval requirements for the adoption of resolutions of the supreme body of Trion Space AG prescribed by the Articles of Association are no longer achievable and Trion Space AG as well as the corporate group "Trion/KLEO" are to be regarded as incapable of acting in this respect.
7. It is known to the authorities and has been proven accordingly by the submission of relevant procedural documents in the proceedings pending before the AK that the companies of the corporate group "Trion/KLEO" were or are no longer (unrestrictedly) capable of acting due to serious disputes on their shareholder and board level and that this problem has an impact on Trion Space AG, in particular via the minority shareholding of KLEO Connect GmbH, which is itself involved in manifold disputes. In the light of the existing and increasing toxicity within the "Trion/KLEO" group of companies, their ability to act is no longer given due to the statutory or charter requirements regarding the special quorums and approval requirements for frequency-relevant resolutions and this situation will not change within a reasonable period of time. Against this background, the AK shares the

opinion that a revocation of the provisional frequency allocation of Trion with simultaneous provisional allocation of the frequencies subject to the proceedings to the applicant is absolutely necessary in the interest of and to ensure a successful continuation and completion of the satellite project in question. This is especially true with regard to the ITU milestones to be met, which the AK - apart from the application for a so-called "waiver" - cannot influence.

From a regulatory point of view, it is also comprehensible, documented and proven by the numerous administrative, judicial and arbitration proceedings that a successful cooperation with the Chinese investors within the group of companies "Trion/KLEO" is impossible and a perpetuation of the status quo cannot be in the interest or to ensure a successful continuation and a successful completion of the satellite project in question. On the contrary: The nature and extent of the ongoing administrative, judicial and arbitration proceedings in which Trion Space AG and its corporate bodies on the one hand and the companies (directly or indirectly) involved in Trion Space AG and their corporate bodies on the other hand are currently facing each other in Germany and abroad as parties or intervening parties actually point to a so-called "lawfare strategy". Due to the participation of the Chinese investors within the group of companies "Trion/KLEO", the withdrawal of the provisional frequency allocation to Trion Space AG proves to be inevitable:

Firstly, the AK has already expressed in several letters regarding serious concerns ("letters of concern") unequivocally that a successful project implementation is only possible if all parties involved pull together. The numerous, officially known procedures within the group of companies "Trion/KLEO" clearly prove that this is not possible and that there is a conflicting interest of the parties involved which cannot be cured.

Secondly, the precautionary review of the "Chinese" Business Plan 3.0 of March 3, 2022, which was carried out in the 2nd quarter of 2022, already revealed that Version 3.0 represented a blatant step backwards from the previous version and thus the ancillary provisions and obligations imposed had not been complied with and that this Business Plan would inevitably have led to the withdrawal of the frequencies.

Although Trion Space AG no longer cooperates or is able or willing to cooperate with KLEO Connect GmbH since March 3, 2022, Trion Space AG is statutorily unable to pass essential resolutions due to the 15% shareholding of KLEO Connect GmbH and is thus paralyzed. Therefore, from the point of view of the AK, there is no longer sufficient guarantee that it can and will be able to fulfill its legal obligations from provisional frequency allocations as well as its legal obligations from the KomG and the IFV. The same also applies to the obligations in connection with the business plan, namely the financing, especially since the serious disputes at the shareholder level of the "Trion/KLEO" group of companies and the numerous ongoing proceedings considerably impair, if not make impossible, the probability of obtaining investors or lenders for the financing of the satellite project. It follows that a viable alternative scenario for the continuation of the satellite project is required if the satellite project in question is to be brought to a successful conclusion (after all).

In the opinion of the AK, such a viable alternative scenario can only consist in the revocation of the provisional frequency allocation of Trion with simultaneous provisional allocation of the frequencies subject of the proceedings to the applicant. In the opinion of the AK, the provisional allocation to the applicant represents the only (viable) alternative scenario in light of the ITU milestones to be complied with and, in particular, with regard to the timely submission of the "waiver" of Milestone 1, which in the opinion of the AK is necessary and justified, and which appears to be suitable, necessary and proportionate for ensuring the successful continuation and completion of the satellite project in question.

8. Against this background, the application for provisional allocation of the frequencies subject of the proceedings to the applicant (with simultaneous revocation of the provisional frequency allocation of Trion) must be granted, especially since both the formal and the substantive requirements for provisional allocation and use of the frequency usage rights in conformity with the allocation, which have already been examined in the context of the approval of the new frequency usage agreement with between Trion Space AG, the applicant and Rivada Space Networks GmbH, are met. Furthermore, the provisional allocation also proves to be justified insofar as, due to the still pending administrative appeal, court and arbitration proceedings, there is a considerable degree of legal uncertainty, which is detrimental, among other things, to the acquisition of investors and thus to the successful continuation of the satellite project in accordance with the milestones specified by the ITU. In addition, on the basis of both the original frequency usage agreement between Trion Space AG and KLEO AG and the subsequent frequency usage agreement between Trion Space AG, the applicant and Rivada Space Networks GmbH, it is not Trion Space AG itself, but rather its respective contractual partner, i.e. currently Rivada Space Networks GmbH, which effectively uses the provisionally allocated frequencies and also creates the further organizational and financial conditions in order to advance the satellite project in question and bring it to a successful conclusion. Taking a substantive approach, a situation has thus already been created de facto with the approval of the frequency usage agreement between Trion Space AG, the applicant and Rivada Space Networks GmbH, which corresponds to the situation after a (also formal) provisional allocation of the frequency usage rights to the applicant, so that the requested provisional allocation does not create a new situation, but rather also formally corresponds to the status quo. Finally, the "Trion/KLEO" group of companies is paralyzed due to numerous administrative, judicial and arbitration disputes, all the more so since, due to the shareholding structure, there are (in the meantime) unattainable statutory or charter requirements regarding special quorums and approval requirements at the level of the associated companies, so that the companies of the "Trion/KLEO" group of companies must be regarded as incapable of acting in the area of frequency use and satellite project implementation relevant here. In the opinion of the AK, Trion Space AG as a company of the "Trion/KLEO" group of companies therefore no longer represents a suitable authorized user. In the opinion of the AK, the provisional allocation must necessarily be in the hands of a reliable, suitable and, in particular, capable Liechtenstein company. In the opinion of the AK, these requirements are currently only met by the (Liechtenstein) Rivada AG. This

is all the more so because the expected duration of the proceedings, in particular of the pending court and arbitration proceedings, in which the fundamental questions of corporate law, including the control over and ownership of these companies, are involved, is several years and thus a state of suspense exists, which stands in the way of a successful continuation and a similar conclusion of the satellite project in question. This is because all of the ITU's milestones will have expired or been missed by the time the relevant proceedings are expected to be concluded and the relevant fundamental issues of corporate law clarified. With reference to the relevant decisions of the VGH of January 30, 2023 on VGH 2022/071, 2022/072 and 2022/073, it should be emphasized in this context that the AK as an administrative authority is neither entitled nor obliged to clarify the civil law issues arising or even to intervene in a corrective manner in this regard. On the other hand, the AK does have to conduct the necessary administrative procedures and to counter the danger that no Low Earth Orbit satellite system is set up at all with frequencies which the ITU allocated to Liechtenstein and that the ITU therefore withdraws the allocation of the frequencies, which would not be in the public interest of Liechtenstein (cf. VGH 2022/071, 2022/072 and 2022/073, each recital 4).

9. In the sense of a foresighted, prudent and effective administrative action and taking into account the principle of proportionality, the provisional allocation to Rivada AG, which is outside the toxic group of companies "Trion/KLEO" (with simultaneous revocation of the provisional frequency allocation of Trion), which at the same time fulfills the formal and material requirements for the provisional allocation and use of the frequency usage rights in conformity with the allocation, as this has already been examined by the AK in connection with the approval of the frequency usage agreement of 20 May 2022 between Trion Space AG and Rivada Space Networks GmbH. May 2022 between Trion Space AG, the applicant and Rivada Space Networks GmbH, is the most appropriate procedure. This is also because a possible final allocation to Trion Space AG or another company of the "Trion/KLEO" group of companies must be ruled out from a regulatory point of view on the basis of previous experience under the given circumstances, regardless of the outcome of the (numerous and multi-year) court and arbitration proceedings. In the opinion of the AK, a perpetuation of the disputes within the group of companies "Trion/KLEO" is pre-programmed by the mutual shareholding relationships and a prosperous cooperation with the AK is excluded. In addition, waiting until the legally binding conclusion of the pending court and arbitration proceedings within the "Trion/KLEO" group of companies would result in the certain failure of the satellite project in question due to the failure to meet the relevant milestones of the ITU. All other issues, in particular the civil law issues of compensation for damages of the companies involved and their bodies among each other, can and will be clarified in civil court in due course; they are not able to influence the regulatory assessment of the AK.
10. On the basis of the files available, it can be assumed that compliance with the regulatory requirements by Rivada AG as the new allotment holder or authorized user is guaranteed. The AK therefore accepts the application and approves the complete and unlimited provisional allocation to Rivada AG as shown in the ruling.

It is not necessary to provide a detailed statement of reasons for the allocation order, including the conditions, requirements and ancillary provisions, since the applications of the applicant are granted in full and the allocation order otherwise corresponds in substance to the previous provisional frequency allocation of January 8, 2018, as amended by the order of March 4, 2021 (Art. 88 Par. 1 LVG in conjunction with Section 428 Par. 1 ZPO).

The envisaged requirements, conditions and ancillary provisions are necessary because the statutory regulations in the relevant areas contain general provisions which must be specified in detail in individual cases. In accordance with Art. 33 Par. 3 KomG, the regulatory authority may attach ancillary provisions to the allocation order. Ancillary provisions may, in particular, regulate requirements and conditions of frequency use, the operation of radio equipment, as well as modification, transfer, revocation and expiry of the frequency usage right.

The Office for Communications has taken this into account when defining the ancillary provisions. All of the stipulated requirements and conditions are in line with international practice, objectively justified, proportionate and transparent.

In addition, reference is made to the reasons for the orders of January 8, 2018 and March 4, 2021, which are available on the AK website.

11. The fees are based on Art. 60 Par. 1 KomG as well as Art. 4, Art. 5a Par. 1 and Annex 1 Letter A 1.1 of the Ordinance of April 13, 2004 on the Levying of Administrative and User Fees under the Communications Act (KomG Fee Ordinance; KomG-GebV), LGBl. 2004 No. 99, as amended. The internal expenses of the AK for the preparation of the present order amount to 14 hours. The administrative costs were incurred through the involvement of an external expert, which was necessary due to the complexity of the matter.
12. For all these reasons, the decision had to be made in accordance with this ruling (order).

APPEAL NOTICE

An appeal against this order/decision may be lodged with the Office for Communications or with the administrative appeal commissions (VBK) within 14 days from the date of notification.

The complaint must contain:

- The name of the contested decision,
- the statement whether the decision is contested in its entirety or only in individual parts,
- and in the latter case the exact designation of the contested part,
- the grounds of appeal,
- the applications,
- the evidence by which the grounds for challenge are to be supported and proved,
- the signature of the complainant.

Vaduz, February 27, 2023

OFFICE FOR COMMUNICATIONS

Dr. Rainer Schnepfleitner
Head of Office