

ANACOM
Av. José Malhoa, 12
1099-017 Lisboa

Luxembourg, 29.08.2022

Subject: Inmarsat response to the ANACOM consultation “Strategic guidelines for 2023-2025”

Dear ladies and gentlemen,

We congratulate ANACOM for taking the initiative to consult on its strategic priorities for the next three years. These will be a crucial three years for Inmarsat Ventures SE (IVSE) as it is gearing up to continue its operations of the European Aviation Network beyond 2027.

I am pleased to submit IVSE’s response to the consultation “Strategic guidelines for 2023-2025”. Our starting point, which I am sure you appreciate, is that of a non-domiciled operator providing a satellite service with integrated complementary ground components over/in Portugal. EAN, which is active in 38 countries in Europe, can only operate efficiently, if its cost based is below its revenue base. More – and in particular more onerous – requirements for each country will further diminish any efficiency and substantially decrease the consumer benefit Inmarsat can offer. Thus, we would like to encourage ANACOM to work on the following 3 areas:

- Enforcement
- Reporting
- Legal

My colleagues and I would be happy to discuss these points further with you.

Kind regards,



Oliver Rott
Director, Regulatory and Market Access EAN
Inmarsat Ventures SE

Annex

1. Enforcement

From our point of view ANACOM has one of the least clear and most inflexible approaches of any EU country's regulator. This stretches from general inquiries, to change requests of company information or explanations of requirements. This makes it extremely difficult to do business in Portugal and is, in fact, perceived as an active discouragement to doing so.

ANACOM is extremely rigid in applying the letter of the law, rather than its meaning. In doing so, it treats all entities, big or small, foreign or domestic, the same. For example, in the annual reporting submission, one is at risk of a fine if one only puts the total as "0", but omits to also put "0" in every other applicable cell. This is not explained beforehand and in addition is very cumbersome if one considers an operator might have to fill these reports in 30 or more countries.

In general, the practice of fines for unfilled lines in reports is nearly unheard of in other countries. Other NRAs will first contact the respondent to explain any issues and solve them rather than automatically issue fines, or they will extend deadlines when one can explain why there may be an issue with adhering to a deadline. *During the COVID-19 pandemic, for example, Portugal was the only national regulatory authority (NRA) that did not allow any flexibility in 2020. This applied to deadlines, as well as the need to apostille and notarize reports, knowing full well the danger this puts the individual in which might have to seek such apostille or notary services.*

In general, Portugal is the only NRA that requires an apostille to be attached to documents. This creates an immense amount of additional cost, time and effort and is testament to a regulatory regime that is geared towards Portugal, rather than the world.

2. Reporting

Reporting has already been mentioned above with some stringent requirements (such as apostille). Recurrently changing reporting requirements, often with little to no explanation, warning or information pose substantial issues. The fact this is done in Excel, without any accompanying sheet to explain, exacerbates the issue. From publication to due date, many of these requirements will have a very quick turnaround time. For a pan-European operator, without being able to

dedicate a team to just filing reports, there is potential that due to holidays or sickness deadlines are missed. Combined with the need to apostille and legalise any submission, this turn-around time is often insurmountably short.

3. Legal cases

While we are conscious that ANACOM is following due procedure as interpreted from laws and regulations, the reasons for legal cases brought against IVSE, the circumstances thereof and the fines threatened are collectively disproportionate. The circumstances, such as the introduction of a new requirement, is very often not communicated to the relevant contact or not at all. For example, when informing ANACOM of a new, universally responsible person of contact, ANACOM has several separate and independent areas that must be informed to effect this change. If only one is missed, then crucial information runs the risk of not being received, possibly resulting in fines.