



21.5.2019

## NOTICE TO MEMBERS

**Subject: Petition No 1058/2018 by Martin Jürgens (German) on the upper limit for roaming charges in non-terrestrial mobile networks**

### 1. Summary of petition

The petitioner considers that it is necessary to introduce additional regulations as regards roaming charges incurred by passengers during flights or on-board cruise ships. The petitioner calls for the introduction of either an upper charge limit or an opt-in system via a text messaging system.

### 2. Admissibility

Declared admissible on 25 February 2019. Information requested from Commission under Rule 216(6).

### 3. Commission reply, received on 21 May 2019

#### The Commission's observations

The current roaming rules defined by Regulation (EU) 531/2012<sup>1</sup> (Roaming Regulation), including the principle of roam-like-at-home, apply only to terrestrial mobile networks, i.e. they apply only in the case where a roaming customer is directly connected to a terrestrial mobile network (including on rivers, lakes or along the coast).

The Roaming Regulation does not apply to satellite networks, such as those accessible on

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<sup>1</sup> Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union Text with EEA relevance, *OJ L 172*, 30.6.2012, p. 10–35.

board of ships or airplanes. Therefore, when mobile services are provided through other types of radio networks than terrestrial, such as satellite systems, as often accessible on international waters or on board of aeroplanes, they are not covered by the provisions of the above mentioned Regulation, and the principle of roam-like-at-home does not apply. This takes account of the fact that the wholesale costs related to services provided via satellite systems on board of ships or aeroplanes (mobile communication services on-board aircraft (MCA) and mobile communication services on-board vessels (MCV) services) are incomparably higher than costs related to wholesale roaming access services under the Roaming Regulation.

The EU legal framework applied to non-terrestrial services provided via satellite systems on board of ships or aeroplanes (MCA and MCV services) does not contain any form of price regulation at the moment. However, the general rules to protect the interests of users such as the transparency rules under the Universal Service Directive<sup>2</sup> apply.

As spelled out in Recital 16 of the [Commission Recommendation 2010/167/EU](#) of 19 March 2010<sup>3</sup> on the authorisation of systems for MCV services, the Universal Service Directive requires that Member States should ensure that transparent and up-to-date information on applicable prices and tariffs, and on standard terms and conditions, in respect of access to and use of publicly available telephone services is available to end-users and consumers also when using MCV services. That same Recital also confirms that Member States are called upon to ensure that, where subscribing to services providing connection and/or access to the public telephone network, consumers have a right to a contract with an undertaking or undertakings providing such services, specifying, among other things, particulars of prices and tariffs and the means by which up-to-date information on all applicable tariffs and maintenance charges may be obtained.

## Conclusion

According to Point 14 of Commission Recommendation 2010/167/EU, Member States should take any appropriate measures in order to ensure that consumers and other end-users are adequately informed about the terms and conditions for the use of MCV services.

With regard to MCA services, in principle the same binding rules apply as for MCV services. As clarified by Recital 17 of the [Commission Recommendation 2008/295/EC](#) of 7 April 2008<sup>4</sup> on authorisation of MCA services in the European Community, the aircraft cabin space is considered to be under the jurisdiction and control of the country of registration of the aircraft. The respective national authorities have therefore to ensure compliance with the

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<sup>2</sup> Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive), *OJ L 108*, 24.4.2002, p. 51–77.

<sup>3</sup> Commission Recommendation of 19 March 2010 on the authorisation of systems for mobile communication services on board vessels (MCV services) (Text with EEA relevance), *OJ L 72*, 20.3.2010, p. 42–45.

<sup>4</sup> Commission Recommendation of 7 April 2008 on authorisation of mobile communication services on aircraft (MCA services) in the European Community (notified under document number C(2008) 1257) (Text with EEA relevance), *OJ L 98*, 10.4.2008, p. 24–27.

relevant rules on flights with aircrafts registered in a Member State