

**Decision to close the procedure to which ICP - ANACOM's draft decision, approved by determination of 29.07.2013, on criteria governing the establishment of prices of the universal postal service, was subject**

By determination of 29.07.2013, the Management Board of ICP - ANACOM approved, under paragraph 3 of article 14 of Law No. 17/2012, of 26 April (Postal Law), a draft decision (DD) on the criteria governing the establishment of prices of the universal postal service, having decided to:

- a) submit it to a prior hearing of interested parties, under articles 100 and 101 of the Administrative Procedure Code (APC);
- b) submit it to a hearing of consumer organizations, pursuant to article 43 of the Postal Law;
- c) submit it to a public consultation procedure, under article 9 of the same Law;
- d) refer the matter to ICP - ANACOM's Advisory Council, for an opinion, under point c) of article 37 of this Authority's Statutes.

Interested parties were given a period of 20 working days in which to comment.

By the due date, comments were received from: APImprensa – Associação Portuguesa de Imprensa; (ii) CTT – Correios de Portugal, S.A.; (iii) Urbencomenda Transportes, Lda; (iv) GigantExpress; (v) Mr. Pedro Carneiro.

The Associação Portuguesa de Marketing Directo, Regional e Interactivo also submitted its opinion, however after the expiry of the relevant period.

The opinion of the Advisory Council Specialist Committee, subsequently ratified by the Advisory Council, was also received.

Notwithstanding, Decree-Law No. 160/2013, which amends the Postal Law and the Bases of the Concession of the universal postal service, was published on 19 November 2013.

Among the amendments introduced by this statutory instrument, there are two which impact the universal postal service price system.

One of the amendments consisted of the introduction of a three-year minimum multiannual period for the duration of criteria governing the establishment of prices of the universal postal service, to be defined by ICP - ANACOM, under paragraph 3 of article 14 of the Postal Law. As it was adopted originally, the Law did not provide for any minimum period of duration.

The other amendment, which results from the repeal of paragraph 2 of article 14 and from the addition of article 14-A, changes the scope of application of paragraph 3 of article 14, excluding special prices from its scope, which are applied a specific price system.

Accordingly, the procedure opened to define the criteria governing the establishment of prices of the universal postal service must be closed, as it is no longer required, under article 112 of APC.

Given that ICP - ANACOM's procedure had been made available to the public, its closure must be advertised via notification of bodies who were informed thereof, as well as through the publication of this information on ICP - ANACOM's website.

Without prejudice, the report of the analysis of comments received in the scope of the consultation and hearing procedures was drafted.

In the light of the above, ICP - ANACOM's Management Board, in the scope of assignments conferred under paragraph 1 b), d), h) and n) of article 6 and article 26 b), all of its Statutes, approved by Decree-Law No. 309/2001, of 7 December, as well as under paragraph 1 of article 8 of Law No. 17/2012, of 26 April, as amended by Decree-Law No. 160/2013 of 19 November 2013, and under Law No. 16/2014, of 4 April, and taking into account the amendment introduced by the referred Decree-Law No. 160/2013, of 19 November 2013, to article 14, as well as the addition of article 14-A, both of Law No. 17/2012, of 26 April, and pursuant to article 112 of APC, hereby determines as follows:

- a) to close the procedure to which ICP - ANACOM's draft decision, approved by determination taken by this Authority on 29.07.2013, on criteria governing the establishment of prices of the universal postal service, was subject, as it is no longer required;
- b) to approve the prior hearing and public consultation report on the referred draft decision on criteria governing the establishment of prices of the universal postal service;
- c) to make available at ICP - ANACOM's website:
  - i. responses received in the scope of the procedure to which the draft decision was submitted, as well as the opinion of ICP - ANACOM's Advisory Council, from which duly identified confidential information had been removed;
  - ii. the report of the undertaken prior hearing and public consultation.