

4. INSPECTION AND INVESTIGATION, DISPUTES

4.1 Inspection and Investigation

As it is legally incumbent upon ANACOM to oversee compliance by the operators and other providers of services in the communications sector with the laws, regulations and ICP determinations made in the pursuit of its responsibility as the regulatory authority for the communications sector, the actions undertaken in 2003 are summarised below.

4.1.1 Electronic communications

Verification the audiotext service providers' compliance with obligations vis-à-vis the respective registries:

Following on claims submitted by consumers, inspection and investigation actions were carried out to verify how audiotext services were being provided by a given provider, via the access numbers envisaged for that purpose in the NNP, specifically whether same was complying with the provisions of applicable legislation. Irregularities were detected in the service's operation; the corresponding report was drawn up and the case submitted to analysis for litigation.

Oversight of the obligations resulting from the regime for the access and pursuit of the activity of telecommunications, specifically:

Verification of the space conditions in the Permanent Visit Chambers and Conduits of PT Comunicações in Oporto, Matosinhos and Vila Nova de Gaia:

The oversight actions were carried out following claims submitted to ICP-ANACOM by an operator, telling of certain behaviour by PT Comunicações considered to be abusive and damaging to its interests, specifically concerning a substantial reduction in the availability of infrastructure. The actions enabled verification on the ground of the consistence of the allegations by the parties involved; factual information was collected and the corresponding case submitted for internal legal analysis.

Verification of the space conditions for collocation provided by PT Comunicações:

The oversight actions targeted the Carnaxide and Alfragide exchanges. In these actions factual information was gathered for internal analysis.

Verification of the service provision conditions offered via the “118” universal access number, specifically with regard to advertising carried on that information service:

Oversight actions consisted of gathering information on this telephone service. It was verified that the information desired was often provided only after the prior hearing of advertising messages. The way the service was being provided was described and the corresponding case was relegated to internal legal analysis.

Verification of the conditions for the provision of virtual international calling card service:

Various virtual international calling cards were acquired on the market. The cards' mode of functioning and service provision was subsequently studied, along with the information content included therein and whether they obeyed the applied legal requirements, specifically verification of registry with ICP-ANACOM and compliance with provisions of the national numbering plan for access to the service. The report corresponding to the action and the conclusions obtained was submitted for internal legal analysis.

Verification of compliance with provisions of the Determination of the ICP-ANACOM Board of Directors of 17 July 2003, concerning pre-selection:

Oversight actions focused on PTC and the other FTS providers and involved verification of compliance with the ICP-ANACOM determination of 17 July 2003, specifically on the obligation of the Grupo PT companies that provide FTS to implement and maintain a 6-month waiting period during which they cannot carry out commercial initiatives to win back former customers who have since switched over to become customers of other providers via the pre-selection function. To verify implementation of the determination, oversight actions were undertaken for PT Comunicações. Complementary to this, and in order to ascertain the existence of eventual claims or situations of non-compliance with the determination, oversight actions were carried out for other FTS providers. The information gathered from PTC and the other providers did not show evidence of non-compliance with the determination.

Oversight on the amount of detail in PTC's fixed telephone service invoices:

This action was carried out following a claim submitted by a customer who wanted to know the minimum amount of telephone invoice detail PTC is obliged to provide. The

oversight action involving PTC resulted in obtaining the necessary information for full clarification of the situation and the case was relegated to internal legal analysis.

Oversight vis-à-vis selective telephone call barring undertaken by PTC:

The goal of this action was to verify availability of the service function enabling consumers to effect selective barring of calls, without added charges, to other public telecommunications services and to audiotext services. The information gathered was relegated to internal analysis.

Verification of the conformity of services publicised by an FTS provider versus those effectively provided:

Following a claim by a consumer who alleged that it was not possible to make telephone calls to the Optimus network via his fixed telephone service provider, and that he had not been previously informed of that service limitation. Study of the matter brought to light that the price table divulged to the public by the provider indicated the price for calls to the mobile operator in question. The information gathered was relegated to analysis for litigation.

Verification of the provision of fixed telephone service by public payphones, by entities not qualified by ICP-ANACOM:

The oversight activities were undertaken following claims presented to ICP-ANACOM by a certified service provider. The actions resulted in drawing up the respective reports which were routed to analysis for litigation.

Oversight of compliance with the obligations of the FWA (fixed wireless access) operators, in the scope of their respective licences:

The actions led to specific verification of the number of installed base stations for each operator, the services provided and the number of customers who contracted services supported by this technology. The relevant information was gathered during these actions and the case relegated to internal analysis.

Oversight of compliance with obligations by the fixed telephone service (FTS) providers, in the scope of the respective licences:

Criteria and the procedures used to calculate the statistical indicators sent regularly to ICP-ANACOM were verified, along with the services provided. Relevant information for analysis was gathered during these actions and the conformity thereof was verified.

Collection and analysis of the price tables of the FTS providers and LMS operators for verification of the provisions of the Determination of the Board of Directors of 18 April 2002 in the scope of portability:

The oversight actions focused on verification of compliance with the ICP-ANACOM determination of 18 April 2002, specifically on the obligation of the LMS operators and FTS providers who have price tables indicating that charges will be higher after porting to maintain a telephone information service on call (voice and data calls and short messages) charges to ported numbers. In the same context the ability to identify the destination network of the call about which customers desire that information was studied. Irregular situations were identified and the case with the corresponding reports was relegated to analysis for litigation.

Oversight of the conditions for using numbering in the 707, 708 and 809 ranges:

Various entities were detected that carried out activities which by their nature could not be accommodated in these numbering ranges. These actions were carried out after being informed of the alleged occurrences by diverse means, namely consumer claims, television advertising and the print media; services were being provided that were similar to audiotext services, with evidence of incorrect usage of the aforementioned numbering ranges. The irregular situations were relegated to analysis for litigation.

4.1.2 Postal services

Verification of conformity of the postal service offers in the liberalised area with the regulatory framework in force:

These actions aimed to detect companies carrying out activities in the liberalised postal area without authorisation to pursue same. The respective reports were drawn up as a result of the actions and routed to analysis for litigation.

Verification of eventual violations of the area reserved for universal postal service:

Actions were carried out following claims submitted to ICP-ANACOM by the concession company for the area reserved for universal postal service, CTT-Correios de Portugal. In the situations subject to investigation no evidence of violation of the area reserved for universal postal service was detected.

4.1.3 Equipment

Decree-Law no. 192/2000 of 18 August established the regime for the free circulation, market placement and placement in service in national territory of radio equipment and telecommunications terminal equipment, as well as the regime for the respective evaluation of conformity and labelling.

ICP-ANACOM was granted powers to oversee compliance with this regime, without jeopardising the possibility, in this or any other duly justified situation, of requesting collaboration from the Inspectorate-General of Economic Activities (IGAE – Inspecção-Geral das Actividades Económicas) and the Directorate-General of Customs and Special Duties on Consumption (Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo)

+The equipment covered by this regulatory framework is the following:

- Radio equipment that uses radio frequencies (radio spectrum) containing a transmitter or a receiver. Such is specifically the case of mobile telephones (GSM), satellite terminals, CB (citizens band) equipment, maritime telephones, wireless telephones, low power short range equipment (bluetooth applications, remote controls – wireless alarms, garage door openers, wireless LANs and remote control toys;
- Telecommunications terminal equipment which by means of an interface is linked to the public telecommunications network (the public GSM networks, the analogue or digital telephone networks and the data networks). Such is specifically the case of telephones, telex equipment, telephone answering machines, modems and GSM equipment (simultaneously radio equipment).

Oversight of this market involves three procedures meant to assess the conformity of equipment placed on the market, namely:

- Procedure 1 – direct oversight actions (in person and also by catalogue and on the internet) involving economic players (distributors, importers, merchants);
- Procedure 2 – market monitoring actions, by means of laboratory trials and analysis of technical documentation to verify equipment conformity;
- Procedure 3 – market monitoring actions, by means of analysis of technical documentation to verify equipment conformity.

In the case of radio equipment that uses frequency bands whose usage is not harmonised throughout the European Union, it became necessary to report same to ICP-ANACOM by imposition of Decree-Law no. 192/2000 of 18 August. Said communication must precede market placement by four weeks and is always subject to appreciation by ICP-ANACOM. Non-compliance with ICP-ANACOM's indications regarding such equipment may lead to limits on its placement in service.

Thus, and regarding the described procedures, the activity carried out in 2003 was as follows:

- Procedure 1 – 552 equipment items. In the scope of this procedure 54 equipment items were seized as they did not comply with the market placement requirements (lack of conformity statement, manuals in the Portuguese language, indications of usage limits);
- Procedure 2 – 25 equipment items;
- Procedure 3 – 16 equipment items.

Regarding the typology of the detected cases of non-compliance, the following was verified:

Documental and technical non-conformities detected

Type of non-conformity	Nº
User information on the equipment's purpose	3
Indication on the package whether the equipment is meant to be used in national territory or part thereof	36
Indication in the manual whether the equipment is meant to be used in national territory or part thereof	28
Warning of eventual limits or requirements to which the equipment is subject	18

Declaration of conformity that should accompany the equipment – in short format (in Portuguese) or in complete format	75
Documentation and instruction manuals in Portuguese language	24
Presence of CE label on equipment (emitter and receiver)	5
Presence of CE label on package	4
Presence of CE label in manual	25
Visible, legible and indelible label	1
Designation of notified body contacted (labelling) on equipment	9
Designation of notified body contacted (labelling) on package	17
Designation of notified body contacted (labelling) in manual	21
Identification of equipment class (labelling) on equipment	17
Identification of equipment class (labelling) on package	20
Identification of equipment class (labelling) in manual	21
Symbol informing that the equipment uses frequency bands whose usage is not harmonised in the European Union (!) on the equipment	6
Symbol informing that the equipment uses frequency bands whose usage is not harmonised in the European Union (!) on the package	13
Symbol informing that the equipment uses frequency bands whose usage is not harmonised in the European Union (!) in the manual	16
Equipment identification - Manufacturer	3
Equipment identification – Brand	2
Equipment identification – Model	3
Equipment identification - Series no.	7
Notification in accordance with article 6.4 of the R&TTE Directive	19

Documental and technical non-conformities detected (Continuation)

Type of non-conformity	Nº
General description of equipment	30
Project and fabrication plans	36
Schematics	35
Technical specifications	32
Bloc diagrams	32
List of components	27
List of harmonised standards applied in whole or in part	25

Harmonised radio standards	9
Harmonised EMC standards	7
Harmonised LVD standards	9
Harmonised health protection standards	10
Description and explanation of the solutions adopted if harmonised standards have not been applied	15
Results of project calculations and tests carried out	19
Radio trial reports	24
EMC trial reports	19
LVD trial reports	25
Declaration issued by the manufacturer that the trials were carried out and that essential requirements have been met (annex III); or declaration issued by the notified body in which the technical file proves compliance with the essential requirements (annex IV); or declaration that proves evaluation of conformity with the obligations deriving from the quality system (annex V)	24
Declaration of conformity in complete format – supplied with the equipment	20
Declaration of conformity in complete format – supplied with the technical documentation	17
Declaration of conformity in complete format – indication of manufacturer	0
Declaration of conformity in complete format – signature of the issuer	2
Declaration of conformity in complete format – indication of compliance with Directive 1999/5/EC	5
Declaration of conformity in complete format – indication of technical standards	2
Declaration of conformity in complete format – indication of date	2

Documental and technical non-conformities detected (Continuation)

Type of non-conformity	Nº
Power of the carrier (conduction)	3
Power of the adjacent channel	2
Mistaken emission frequency	1

Note: the same equipment item may present more than one non-conformity

Notifications of incorrect radio equipment

In 2003 2,792 radio equipment notifications were received, 2,615 of them correct and 177 incorrect.

The following distribution was verified in terms of incorrect radio equipment notification typology:

MOST FREQUENT INCORRECTION	%
Lack of European contact point	38,31
Indication of frequency bands exclusively allocated to other services (e.g.: broadcasting-175 kHz; aeromodels-34.990-35.230 MHz; military management; medical implants; wireless audio; inductive applications; emitting microphones for non-professional use)	5,65
Excessive duty cycle limits (e.g.:the duty cycle should be less than 10% or 1%)	0,40
Failure to indicate the magnetic field intensity value	1,61
Incorrections regarding equipment antennas (e.g.: antennas cannot be external, demand for integrated or dedicated antenna)	20,16
Bands not adopted in Portugal	2,82
Indication of maximum power limit	7,66
Wireless Land in 5 GHz without DFS	23,39

In 2003 ICP-ANACOM received 46 safeguard clauses under article 9 of Directive 1999/5/EC (article 16 of Decree-Law 192/2000 of 18 August).

Electromagnetic compatibility

Decree-Law no. 74/92 of 29 April confers upon ICP-ANACOM oversight powers regarding the legal provisions on electromagnetic compatibility, without jeopardising the powers set by law for other entities.

The list of electric and electronic equipment covered by the electromagnetic compatibility regime is extremely broad. Examples include domestic electric appliances, office devices, computers and other information technology equipment, lighting equipment and electric lamps, and

consumer electronics (including televisions), i.e., generally speaking, all equipment that can create or be affected by electromagnetic disturbances while functioning.

In market oversight terms, the three mentioned procedures to assess the conformity of radio equipment and telecommunications terminal equipment (procedures 1, 2 and 3) apply in this case.

Activity undertaken in 2003 in this context was as follows:

- Procedure 1 – 481 equipment items. A total of 84 units were apprehended for not complying with the market placement requirements (lack of CE label);
- Procedure 2 – 101 equipment items;
- Procedure 3 – 271 equipment items were analysed in documental terms.

Regarding the type of non-conformities detected for the three aforementioned procedures, the following results were verified:

Type of non-conformity	N.º	%
Absence of CE declaration	2	1,19
Absence of CE label	84	49,70
Radiated disturbing electromagnetic field – electric field	30	17,75
EC declaration of conformity does not mention Electromagnetic Compatibility Directive	5	2,95
EC declaration of conformity does not mention EMF standard	15	8,87
EC declaration of conformity does not mention solicited model	2	1,19
EC declaration of conformity is not dated	14	8,28
Declaration does not mention model	2	1,19
Discrepancy between date of EC declaration of conformity and date since equipment has been commercialised	1	0,60
Lack of Portuguese instruction manual	4	2,36
Manual does not cover model	1	0,60
EC declaration of conformity was not delivered	3	1,77
EMF standard presented in EC Declaration has expired	2	1,19
Tension can disturb supply terminals	4	2,36
Total	169	100

In 2003 ICP-ANACOM received 117 notifications under the co-operation procedures envisaged in this context, from other Member States of the European Union.

4.2 Disputes

4.2.1 Contractual fines

Regarding oversight of the concession contract between the State and PT Comunicações, S.A., ICP-ANACOM in 2003 decided to apply two contractual fines to the concessionaire, one worth €50,000.00 (for failure to comply with the operator portability specification) and another worth €25,000.00 (for rejection of co-mingling regime access request).

4.2.2 Administrative offence cases

In 2003, 45 administrative offence cases were filed. Of these, 25 were resolved, as follows:

- with voluntary payment of the applicable penalty (€6,733.79);
- 4 decisions to absolve;
- 5 decisions to reprimand;
- 10 decisions to condemn the payment of penalties, for a total of €4,770.12, of which:
 - 4 were fully paid (€897.84);
 - 2 were submitted to coercive execution (€997.58);
 - 4 are still to be paid (€2,874.70).

Also considered were 31 administrative offence cases passed on from previous years, as follows:

- 7 were closed;
- 3 ended with decision to absolve;
- 1 ended with decision to reprimand;

- 9 ended with decision to pay penalties (€132,910.01), of which:
 - 1 was fully paid (€249.40);
 - 1 was submitted to coercive execution (€44,891.81);
 - 2 are still to be paid (€449.76); and
 - in 5 cases, judicial appeals were filed (€87,319.04).

A total of 9 penalties were submitted to coercive execution, applied in 2000 and 2001, for a total value of €59,706.55.

Judicial appeals were filed for 2 penalties, applied in 2001, for a total value of €9,975.96.

The type of infringements subject to administrative offence cases filed in 2003 were as follows:

FIXED TELEPHONE SERVICE (Regulation to Operate Fixed Telephone Service, approved by Decree-Law no. 474/99 of 8 November)	7 cases
FTS not provided regularly and continuously (article 10/1)	3 cases
Failure to comply with the access and usage conditions for fixed telephone service (article 12/3)	1 case
Rejection of access requests without legal grounds (article 33/6), and violation of the principle of equality and non-discrimination [article 13/1, par. a) and article 13/2 of Decree-Law no. 290-A/99 of 30 July]	1 case
Failure to comply with the obligation for universal telecommunications service providers to make available, whenever technical and economically feasible, (...) selective call barring, with no added charges, destined (...) to audiotext services [article 13/1 par. f)]	1 case
Failure to comply with the obligation for universal telecommunications service providers to submit for the approval and knowledge of ICP-ANACOM, and the Consumer Institute, in the case of cable television service, the contracts to provide fixed telephone service, to provide internet service and to provide cable television service [article 17/4 of the Reg. on FTS, annexed to Decree-Law no.	1 case

474/99 of 8 Nov., article 7/1, par. a) of Decree-Law no. 381-A/97 of 30 Dec. and article 17/2 of Decree-Law no. 241/97 of 18 Sep.]	
------------------------------------------------------------------------------------------------------------------------------------	--

FIXED TELEPHONE SERVICE – Portability (Decree-Law no. 381-A/97 of 30 December)	5 cases
Failure to respect the conditions and limits inherent to the registration or contained in the licence [article 26/2, par. a)]	5 cases

OPERATION OF PUBLIC TELECOMMUNICATIONS NETWORKS (Decree-Law no. 290-B/99 of 30 June)	1 case
Breach of the obligation to guarantee access to the national emergency number – 112 [article 4/2, par. i)]	1 case

INTERCONNECTION (Decree-Law no. 415/98 of 31 December)	1 case
Failure to comply with the determinations to modify the reference interconnection offers (article 13)	1 case

PUBLIC USE LAND MOBILE SERVICE – Portability (Decree-Law no. 381-A/97 of 30 December)	2 cases
Failure to respect the conditions and limits inherent to the registration of contained in the licence [article 26/2, par. a)].	2 cases

POSTBOXES (Regulatory Decree no. 21/98 of 4 September)	1 case
Failure to comply with the obligation to install domicile postboxes (article 2/1 and article 9/4)	1 case

DATA TRANSMISSION AND INTERNET ACCESS SERVICE (Decree-Law no. 381-A/97 of 30 December)	3 cases
Failure to respect the conditions and limits inherent to the registration or contained in the licence (article 26/2)	3 cases

TERMINAL EQUIPMENT (Decree-Law no. 192/2000 of 18 August)	1 case
Market placement of devices that do not meet the set legal requirements (article 7/1), and failure to comply with the obligation for device manufacturers or those responsible for their market placement to inform users about the purpose for which the devices are meant to be used (article 8, par. a))	1 case

INSTALLATION OF TELECOMMUNICATIONS INFRASTRUCTURES IN BUILDINGS (Decree-Law no. 59/2000 of 19 April)	1 case
Failure to comply with the obligations of the certifying entities concerning the duties to: <ul style="list-style-type: none"> - report to ICP-ANACOM any changes to the information contained in the registration request for that activity within 30 days after verification of same (article 26/1); - and to submit to ICP-ANACOM the certificate of installation conformity within 3 days after same was issued (article 27/2) 	1 case

OPERATION OF PUBLIC PAYPHONE SERVICE (Telephone Service) (Decree-Law no. 474/99 of 8 November)	1 case
Installation and commercial operation of public payphones for access to FTS, by entities not registered with ICP-ANACOM (article 45/1)	1 case

AUDIOTEXT SERVICE	4 cases
-------------------	---------

(Decree-Law no. 177/99 of 21 May, on the version conferred by Law no. 95/2002 of 20 August)	
Lack of initial information message and cadenced audio signal (article 9/2)	1 case
Provision of audiotext services by non-registered entities (article 3) and lack of initial information message and cadenced audio signal (article 9/2 and 3)	3 cases

AUDIO BROADCASTING ACTIVITY (Decree-Law no. 151-A/2000 of 20 July, applicable by force of article 1 of Decree-Law no. 126/2002 of 10 May)	4 cases
Use of a radiocommunications network with no licence to that end (articles 5/1 and 2 and 7/1)	2 cases
Failure to place identifying sign at station, outside and in a very visible place (article 10, par. h))	1 case
Oversight of station not permitted, nor access to site of the respective installation, by ICP-ANACOM inspectors (article 10, par. e))	1 case

TELEVISION ACTIVITY (Decree-Law no. 151-A/2000 of 20 July)	1 case
Use of radiocommunications stations violating the technical parameters set by ICP-ANACOM (article 10, par. g)	1 case

PERSONAL RADIO SERVICE - C.B. (Decree-Law no. 47/2000 of 24 March)	9 cases
Use of CB stations by entities not registered with ICP-ANACOM (article 3/1)	8 cases
Use of frequency bands, power and emission classes different from those authorised for Personal Radio Service - CB [article 13/1, par. a)]. Refusal of access to CB station installation site by radio inspectors [article 13/1, par. c)]. Intentional interference in the communications of other radiocommunications services, as well as failure to comply with ANACOM warnings to eliminate such interference	1 case

[article 13/1/par. d) and h)]	
-------------------------------	--

PRIVATE USE LAND MOBILE SERVICE (Decree-Law no. 151-A/2000 of 20 July)	4 cases
Use of unassigned frequencies [article 10, par. f)]	1 case
Use of a radiocommunications network without a licence to that end (article 7/1)	2 cases
Use of radiocommunications stations violating technical parameters set by ICP-ANACOM [article 10, par. g)]	1 case

4.2.3 Administrative disputes

ICP-ANACOM's defence was assured in cases of disputed contestation of practiced acts.

During the year 2003, besides ICP-ANACOM's positions being sustained in three new requests to stay power, ten new contentious appeals were processed and nine continue to be accompanied, passed on from previous years.

The new cases are as follows:

- Pre-selection (win-back prohibition):

Request to stay power submitted by PT COMUNICAÇÕES, S.A., in the wake of the Determination of this Authority's Board of Directors dated 17 July 2003, which was rejected by the Court.

Contentious appeal for annulment filed by PT COMUNICAÇÕES, S.A., in the wake of the Determination of this Authority's Board of Directors dated 17 July 2003. Remains pending.

- Interconnection (Case concerning the interconnection of Optimus and Vodafone with ONIWAY):

Request to stay power submitted by OPTIMUS TELECOMUNICAÇÕES, S.A., in the wake of the Determinations of this Authority's Board of Directors dated 29 May 2002, 20 and 27 June 2002. Prosecution was declared dissolved due to supervening inutility of the issue.

Contentious appeal of annulment filed by VODAFONE TELECEL – COMUNICAÇÕES PESSOAIS, S.A., in the wake of the Determination of the ICP-ANACOM Board of Directors of 24 September 2002. Remains pending.

Contentious appeal of annulment filed by OPTIMUS TELECOMUNICAÇÕES, S.A., in the wake of the Determinations of the ICP-ANACOM Board of Directors dated 6 March 2002, 29 May 2002, 20 and 27 June 2002. Optimus withdrew from the respective appeal.

- Installation of telecommunications infrastructures in buildings:

Request to stay power of the Determination that ruled the suspension for three months of activity by the company MEIRA DE SÁ - Projectos Engenharia e Serviços, Lda. Was rejected;

Contentious appeal for annulment filed by the company MEIRA DE SÁ - Projectos Engenharia e Serviços, Lda, regarding the same Determination of the Board of Directors of 12 December 2002 (suspension of activity). Prosecution declared dissolved due to supervening inutility of issue.

- Audio Broadcasting Activity:

Contentious appeal for annulment filed by NRT - NORTE RÁDIO TELEVISÃO, LDA, in the wake of an act practiced by ICP-ANACOM's Director of Spectrum Management and Engineering on 4 October 2002, which rejected the definitive licence request for the installation of an audio broadcasting emission station in the Nogueira mountain range in Bragança county. Remains pending.

- Universal Telecommunications Service:

Contentious appeal for annulment filed by PT COMUNICAÇÕES, S.A., in the wake of a decision by this Authority's Board of Directors dated 21 August 2003, on net costs of Universal Telecommunications Service. Remains pending.

- Operation of Public Telecommunications Networks:

Contentious appeal for annulment filed by HLC, TELECOMUNICAÇÕES MULTIMÉDIA, S.A., in the wake of an ICP-ANACOM decision not to initiate administrative offence proceedings against PT COMUNICAÇÕES, S.A., for alleged breach of the Fixed Telephone Service Regulation and the Regulation on the Operation of Public Telecommunications Networks. Remains pending.

Two actions declaring condemnation filed by ICP-ANACOM were also accompanied in the Administrative Court of the Lisbon Circuit, one of which awaits sentence and the other elaboration of Specification and Questionnaire (STVA – Serviços de Telecomunicações de Valor Acrescentado, Lda. and Casa Viola – Lotarias, Lda.).

4.2.4 Judicial impugnation of fees applied by ICP-ANACOM

Also accompanied were 21 judicial contestations of applied fees submitted by TVI, of which six were finalised in 2003.

4.2.5 Civil jurisdiction

Two appellate reviews were accompanied, filed by Vodafone Telecel – Comunicações Pessoais, S.A. and by Optimus – Telecomunicações, S.A. against the ICP-ANACOM determination in the case involving dispute resolution in the context of network interconnection, between those operators and OniWay, which this Authority decided not to acknowledge, and which followed ulterior procedural steps in the Courts of Appeal of Lisbon and Oporto. Optimus - Telecomunicações, S.A., withdrew from the appeal, while that of Vodafone Telecel – Comunicações Pessoais, S.A., remains pending.

Two actions were accompanied, with preparation of the necessary procedural portions, in which the condemnation of ICP-ANACOM to pay indemnities is sought (the authors were Manuel Henriques Machado, Lda., and Sociedade Imobiliária Manzaca & Filhos, Lda.).

ICP-ANACOM also contested two actions filed with Labour Court by ex-workers of OniWay, asking for indemnities for the company's closing, which remain pending.

ICP-ANACOM supported preparation of the contestation to present by the State in an indemnity action brought by TVI – Televisão Independente, S.A., in which the latter sought condemnation of the Portuguese State and of PT COMUNICAÇÕES, S.A., to jointly pay an indemnity of 12,760,024,000\$00 [escudos] for damages resulting from the modified licensing conditions for its television channel (public television broadcasting fees) that occurred both in the Convention signed on 1 July 1997 and in the fee practice followed by PT Comunicações, S.A., and to which the State consented.

4.2.6 Special judicial proceedings to recover companies and bankruptcies

Some 44 special judicial cases involving the recovery of companies and of bankruptcies, of which ICP-ANACOM is a creditor, were accompanied, generally due to unpaid spectrum usage fees, three of which were finalised in 2003.

Four new credit claims were filed.

4.2.7 Physical executions

Ten cases of physical execution were accompanied (one of which filed in 2003 and two finalised in the same year).