

The background is a solid green color. It features several decorative white elements: three long, sweeping curved lines that originate from the top right and curve towards the bottom left; and a rectangular area in the bottom left corner filled with a grid of small white dots.

02.

**Supervision
Activities**

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■ Monitoring

Monitoring and Control of the Spectrum (MCE)

The monitoring and control of the spectrum (MCE) encompasses the management of frequencies and has the following main objectives:

- Verification of the operating conditions of radio networks and stations, according to current legislation, in particular Decree-Law no. 151-A/2000 of 20 July.
- Compilation of information on the ground to assist the activities of spectrum planning and the licensing of radio stations and networks.

While the core activities of MCE are focused on operational activities, it is the support infrastructure which ensures that actions on the ground are carried out according to established rules, with appropriate equipment in perfect working condition.

In 2007, ICP-ANACOM invested in the technological upgrade and equipping of this infrastructure, particularly in 2 mobile stations for monitoring and control of the spectrum included in the National System for the Remote Control of Radio Emissions (SINCRER), 6 portable spectral analysis systems, 2 receivers for radio broadcasting with capability for decoding and analysing the MPX and RDS components and also various accessories in the field of radio frequencies.

A switching antenna system was purchased, together with two Radiofrequencies (RF) signal distributors and a communications receiver with measuring capability for the Centre of Madeira under the Integrated Monitoring Project (PMI) which is almost concluded in that centre, with only the sub-acoustic tone decoders modules and the manual control of the directive antenna rotors still required.

In the field of harmonised technical procedures, note should be made of the completion of the procedure concerning the examination of the MPX signal in respect of VHF radio broadcasting, which will be approved in 2008.

With respect to the technical management of MCE equipment and systems of ICP-ANACOM, the following activities, which took place over 2007, should be noted:

Calibration of equipment

- Definition of the calibration profiles for the new equipment.
- Internal calibration of 111 appliances.
- External calibration of 8 appliances.

Corrective conservation

209 operations actions were executed with respect to various appliances of all the MCE centres, or which just 23 made use of resources external to ICP-ANACOM.

Preventive conservation

Measures were taken with respect to the hardware and software of SINCRER and the sets of antenna of the Barcarena and Azores centres.

In operational terms, there have been periodic monitoring campaigns to verify whether the operation of the stations and networks is in accordance with current legislation and in particular with the conditions imposed in the licenses of radio stations and networks.

During 2007 there were around 1,500 requests for intervention, with the resolution of most needing the local intervention of a technical team. Of the total, 35% of these requests resulted from complaints of interference, with more than half of these (57%) referring to complaints resulting from interference in terrestrial television reception systems, 10% had their origin in networks and stations of the land mobile service (with CDMA technology, operating in the range of 450 MHz), 7% referred to interfering stations of the aeronautical mobile service.

Finally it should be noted that of the remaining 65% of the requests received, 23% related to requests for verification of compliance with reference levels for the protection of the general population

Furthermore operational actions were undertaken which arose from requests from Entidade Reguladora para a Comunicação Social (ERC - Media Regulator), under the current protocol with ICP-ANACOM.

Cooperation with other public entities, including the PSP, GNR, PJ and with our international counterparts made up a large part of the activity undertaken in this area over the year, accounting for about 8% of the overall activity.

Particular note should be made, as regards MCE, of those activities which are designed to address harmful interference affecting frequencies, channels and stations, which are detailed as follows:

- Aeronautic mobile service (R) frequencies for runway approximation, distress and safety, and airport control towers.
- Calling, distress and safety channels in the maritime mobile service.
- Aeronautic and maritime radionavigation service stations.
- Responses to requests from the authorities responsible for search and rescue (search and rescue at sea coordination centre and/or Portuguese air force), with respect to false or deceptive alarms whether intentional or caused through negligence, have been given top priority by the operational services of spectrum management.

In all cases activity is based on the principle that it is vital to eliminate harmful interference as soon as possible, with recourse, if need be, to exceptional measures that can include the closure of the station causing the disturbance. When interference is caused by a foreign station and/or a station outside the jurisdiction of this Authority, it may take a substantial length of time to resolve the problem. In such cases the notification procedures of the Radiocommunications Regulations (RR9) are especially relevant.

Regarding international cooperation, in 2007 Portugal recorded about 63 cases of information exchanges with other international monitoring centres.

Also during 2007, the following tasks were undertaken at an international level:

- Execution of an HF, automatic and manual monitoring campaign for the World Radiocommunication Conference 2007 (WRC07), with respect to the work of PT22 (May 2007).
- Execution of two HF campaigns, with respect to the continuous monitoring of the HF bands for CEPT (September and October 2007).
- Procedures for monitoring and measurement of the intensity of electromagnetic fields originating from radio stations.
- Methodology for the establishment and execution of plans for monitoring and measurement of the intensity of electromagnetic fields resulting from radio station transmissions.

Non-ionising radiation

By the end of 2007 ICP-ANACOM had received 1135 requests related to non-ionizing radiation for analysis of concrete situations and 1069 cases were concluded (123 involving educational institutions), many of which were in response to on-site measurements.

The results point to values of at least 50 times lower than the reference levels of power density set in Administrative Rule no 1421/2004 of 23 November. There were 35 cases which failed to ensure levels of 50 times lower than the reference levels from the outset, however, all of them, guaranteed the fulfilment of reference levels. All conclusions of the actions undertaken were brought to the attention of persons or entities who requested the evaluations.



Quality of Service

Quality of service for leased lines

By determination of 19 October 2007, approval was given to the launch of a limited consultation for the completion of an audit of the indicators of quality of the service of access to the local loop service and the leased lines service of PTC.

Audit of the quality of service indicators and the system of complaints of CTT with reference to 2004

On 7 November 2007, ICP-ANACOM approved the report on the results of the verification performed on the levels of quality of service offered by CTT, with reference to 2004, and also approved a set of determinations and recommendations to CTT with the aim of achieving improvements to these systems for monitoring indicators of quality of service and handling complaints.

Measures taken by CTT in respect of the compensation of users for non-compliance with the indicators of quality of service in 2006

Following the monitoring of quality of service achieved by CTT in 2006, ICP-ANACOM determined, on 18 July 2007, to apply a deduction of 1% to the weighted average of variation in prices of services reserved to CTT, authorised for 2007 and further determined that CTT present a proposal on the measure's implementation, which should be applied by the end of 2007.

In this context, CTT presented a proposed implementation of the determination, to apply from September to December 2007, focusing on services of the reserved area and covering the majority of users, through specific measures within the individual and contractual segments.

After examining the proposal of this company, the Board of Directors determined on 5 September 2007 not to oppose the proposal made by CTT, whereby the mechanisms shall be implemented to evaluate the true impact of the proposed measures, namely enabling the timely correction, by the end of 2007, of any values below forecast figures.

It was also determined to CTT that they inform their customers of the actions included in the provisions of article 5 of the Universal Postal Service Quality Convention and article 10 of the Universal Postal Service Price Convention, with reference to failure to comply with the levels of quality of service (in 2006).

Meanwhile, CTT proposed the postponement of two of the planned measures and sent a report to ICP-ANACOM containing the results of the review by the end of October 2007.

Given the failure to fully execute the actions, CTT made a proposal for additional measures for implementation up to the end of 2007, with a view to accomplishing full compliance with the objectives which the measures initially proposed by CTT were designed to achieve.

On 13 December 2007, ICP-ANACOM determined not to oppose the proposal for additional actions to be implemented by CTT by the end of the year 2007, whereas no cost associated with the implementation of the proposed measures shall be included in the calculation of benefits.

This Authority reiterated the need to accomplish the established objectives and to send, no later than 31/01/2008, the report containing the overall results of the actions implemented by CTT, so that such may be reviewed and evaluated by ICP-ANACOM.

Over 2007 several studies were conducted to gauge the quality of service, including the following:

- Assessment of the voice service, given the support technology used - GSM versus automatic selection GSM/UMTS.
- Study measuring the quality of service of the Voice Services (GSM), Videotelephony (UMTS) and coverage of networks (GSM and WCDMA) in major urban areas and along main roads of mainland Portugal - 2007.
- Study assessing quality of mobile voice services (GSM), video-telephony (UMTS) and network coverage (GSM and WCDMA) in the Autonomous Regions of the Azores and Madeira - 2007.

- Study assessing quality of service in messaging services (SMS and MMS).
- Study on the characterisation of wireless technologies and analysis of potential provision of services in our country through FTTH and WiMAX.

Other Monitoring Activities

Regulation of international roaming

Regulation (EC) no. 717/2007 of 27 June on roaming on public mobile telephone networks within the Community, sought to reducing prices paid by users of public mobile telephone networks when travelling in the Community, imposing on the operators, for this purpose, various tariff obligations at wholesale and retail level.

The Regulation will enable consumers to benefit, as of the summer of 2007, from a “Eurotariff”. The cap of the “Eurotariff” during the first year of the Regulation, for voice calls made or received in roaming within the EU is, respectively, 0.49 euros (excluding VAT) and 0.24 euros (excluding VAT), with the regulation providing for the further reductions in the second and third years of its continuance.

Furthermore, the average wholesale charge (calculated over a period of 12 months) which the operator of a visited network may charge the operator of the home network of a roaming customer for a voice call in roaming with origination in this visited network shall not, under the terms of this regulation, exceed EUR 0.30 per minute. The regulation stipulates that the average rate is reduced to EUR 0.28 and EUR 0.26 respectively on 30 August 2008 and 30 August 2009.

The regulation also aims to increase the transparency of retail prices for voice calls in roaming made or received intra-EU and provides for the obligation for operators to automatically provide to their roaming customers - when they enter a Member State that is not their home network - a free instant messaging service that reports on the charges of roaming applicable to calls which are made and received.

It is planned that by 30 December 2008, the Commission will submit reports to the European Parliament and the Council assessing the objectives of the regulation and the development of wholesale and retail charges in the provision of voice and data communication to roaming customers, including SMS and MMS, and may include, where appropriate, recommendations on the need to regulate such services.

ICP-ANACOM has, since the publication of the regulation, undertaken the following activities:

- monitoring and supervision of compliance within the national territory.
- informing the public about the implementation of the regulation.
- monitoring of tariffs and use of traffic steering techniques which are detrimental to customers.
- monitoring situations of involuntary cross-border roaming.

The NRAs are required by the regulation to report results on a six monthly basis and the information contained provided may be used by the Commission for the purpose of the review of the regulation which is scheduled for the end of 2008.

The report on the implementation, in several European countries, of the measures set out in the Regulation on international roaming resulting from the first half-yearly compilation of data, was published by the European Regulators Groups (ERG) in early 2008.

This report concluded that, although it is not yet possible to draw definitive conclusions about the effects of the application of the Regulation, the compiled information (with reference to the period of April to September 2007) shows that, after its entry into force, there was a general reduction in tariffs of the roaming service (these findings are also applicable to Portugal) as well as a good level of compliance by operators with the measures taken to improve the transparency of retail prices.



Analysis of wholesale and retail price trends with respect to the portability and to the fulfilment of obligations to provide consumers with information as set out in the Portability Regulation

In terms of the measures set out in article 21 of the Portability Regulation, ICP-ANACOM has undertaken to compile the information necessary for monitoring the effective provision:

- of a free online message by providers of the mobile telephone service in national voice calls between mobile networks and bound for ported numbers, whenever they practise rate plans which might result in a call to a ported number being more expensive than before the portability of the same number.
- compliance with the obligation to implement the information service with the prices of calls to ported numbers as set out in paragraph 6 of article 21 of the Portability Regulation.

In the meantime the evolution of wholesale and retail prices charged by companies in respect of portability was monitored.

Audit of the cost accounting system of PTC

By determination of 31 May 2007, ANACOM approved a statement on the compliance of the cost accounting system of PTC with respect to the fixed telephone service and leased lines service, with reference to the 2002 and 2003 financial years, following an audit by the firm BDO Binder & Co.

■ Dispute Resolution

Access to networks

On 27 November 2006, TV Cabo requested the intervention of ICP-ANACOM to resolve a dispute that had arisen between the company and Bragatel, Cabovisão, Pluricanal Leiria, Pluricanal Santarem and TVTEL.

TV Cabo alleged that the competing operators were approaching its customers and informing them, in the event that they wanted to subscribe to their services, they should terminate the contract made with TV Cabo by completing a form which the competing operator provided and send it to the company by fax.

TV Cabo also stated that, in particular with regard to TVTEL and Cabovisão, that if their clients signed up to the services of these operators, the technicians of these companies carried out actions with regard to the infrastructure of TV Cabo at the premises of customers, disabling the signal transmitted by TV Cabo and activating the signal transmitted by TVTEL and Cabovisão.

TV Cabo considered this to be a breach of the rules of law applicable to contractual relationships (specifically article 223 of the Civil Code) and of the contractual terms agreed between TV Cabo and its customers, whereby their property rights, with respect to the infrastructure of their network and as protected by Article 1305 of the Civil Code, were also violated.

TV Cabo further alleged that the changes made by technicians of competitive operators on its network were likely to affect the integrity and safety of the public communications network to which it belonged, thereby undermining compliance with the rules of the LEC in terms of integrity and security of electronic communications networks and consumer protection.

The final decision adopted determined the refusal of the request for resolving the dispute of TV Cabo insofar as there was no question of compliance with the obligations arising from the LEC, whereas facts were neither alleged or demonstrated that involve a genuine dispute on compliance with these obligations. It was further determined to recommend to TV Cabo and the operators Cabovisão, Pluricanal Leiria, Pluricanal Santarém and TVTEL that they:

- a) Inform customers who wish to change operators of the need to comply with the contractual clauses on contract termination, namely the form and period of prior notice required for termination.
- b) Establish agreements on appropriate procedures for service disconnection and activation and dismantling of existing infrastructure, in order to prevent situations likely to affect the integrity of cable distribution networks, as well as to protect consumer interests.

The decision further determined to TV Cabo and to the operators Bragatel, Cabovisão, Pluricanal Leiria, Pluricanal Santarém and TVTEL that, within 3 months from the notification of the decision this procedure, they inform ICP-ANACOM of the steps taken as a result of this recommendation and the results achieved in the formalisation of that agreement. If no agreement is reached within the deadline, ICP-ANACOM shall seek the adoption of regulatory measures which are appropriate to ensure the integrity of cable distribution networks and the protection of consumer interests.

By resolution of 28 November 2007, and following a request by TV Cabo, it was decided to extend the term originally granted to the operators involved in the dispute by 60 days.

Consumption of energy within the scope of the ORALL

On 9 February 2007, PTC requested the intervention of this Authority to settle a dispute with Tele2 with respect to the non-payment of invoices relating to the consumption of energy in space contracted by Tele2 in the context of ORALL.

By decision of 31 October 2007, approval was given to the draft decision by which ICP-ANACOM:

- Declined the request to settle this dispute, in accordance with point b) of paragraph 1 of article 11 of the LEC, due to the fact that the maximum period allowed before seeking the intervention of ICP-ANACOM, as set out in paragraph 2 of article 10 of the same law, had elapsed.

- Clarified that point 4.2.3 b) of annex 14 of the ORALL defines the prices payable by other OLOs (Other Licensed Operators) in exchange for the co-installation services provided by PTC, irrespective of the time of the installation and connection of equipment. By agreement, the parties may stipulate that the sums in respect of the consumption of energy, calculated according to the formula set forth in the ORALL, shall be due from a time after the commencement of the provision of the co-installation service. In such cases, the parties shall define the conditions necessary for the functioning of the agreement, specifically insofar as they allow PTC to know the effective date following which such sums may be legitimately charged.

Undue terminations by PTC of pre-selection services

Following a complaint from Tele2 and, in order to clarify allegedly incorrect procedures for termination of pre-selection by PTC, ICP-ANACOM conducted an investigation whereby it found that PTC was sending subscribers of the pre-selected provider semi-completed termination forms, in certain cases following contact with the customers, which were returned to PTC itself and constituted the termination of the indirect access contract.

With basis in these documents, PTC proceeded to deactivate the pre-selection without having received, for this purpose, the due request of the pre-selected provider.

The services of ICP-ANACOM also conducted a search on the website of PTC, finding that the company provided information which coincided with these procedures.



Since these practices infringe the provisions of article 10 of Regulation no. 1/2006 of 9 January which requires that contract termination must be addressed, in all situations, to the pre-selected provider, which must convey to the direct access provider the subsequent pre-selection deactivation request, this Authority approved, on 8 March 2007, the final decision whereby PTC was ordered to:

- (i) Immediately ceases any deactivation not based on a request submitted by the pre-selected provider, following a request for contract alteration or termination made by the subscriber to this provider, and
- (ii) Remove from its website the information on PS termination procedures and grounds, as provided for therein, and to make it available in compliance with article 10 of the Selection and Pre-Selection Regulation.

On 4 April 2007, PTC filed a complaint with respect to this decision whereas, by decision of 24 May 2007, this Authority decided to dismiss the complaint, thereby maintaining the decision issued on 8 March.

Imposition of specific obligations on PTC and Tele2 within the scope of pre-selection

On 24 November 2006, Tele2 submitted a request to ICP-ANACOM to settle a dispute which arose between the company and PTC, with respect to undue terminations by PTC of pre-selection services.

Tele2 claimed to have received large numbers of pre-selection deactivation documents sent by PTC, with reference to the customers that the company had deactivated, in breach of article 10 of the Selection and Pre-selection Regulation.

According to the applicant, such breach caused serious damages, giving rise to the right to claim compensation, whereby Tele2 decided to suspend payments to PTC for interconnection services, claiming legal compensation of credits.

Tele2 further stated that it feared that, as a result of their attitude, PTC would suspend the provision of interconnection services or other dependent services, such as ORLA accesses.

In this context, Tele2 requested the intervention of the Regulator to order PTC: (1) to immediately cease the practice it had been following with respect to the deactivation of pre-selection; (2) prohibit the suspension, with respect to Tele2, of pre-selection and other dependant services, such as the ORLA; (3) prohibit refusal, with respect to Tele2, to activate new pre-selection services and ORLA until such time as the dispute is settled definitively.

Having assessed the request, on 20 June 2007, ICP-ANACOM decided the following:

- To consider the first request of Tele2 as satisfied, in view of the fact that this issue had already been addressed in the determination of 8/3/2007.
- Refrain from acknowledging the other applications insofar as, in this respect, there is no fact which corresponds to the existence of a dispute for the purposes of the application of article 10 of the LEC.

As of April 2007, ICP-ANACOM received several letters from PTC in which it reported that it was aware that a large number of customers of Tele2 had requested the deactivation of pre-selection, explicitly expressing their willingness in this respect, without PTC, as a provider of direct access, having received any request for deactivation by Tele2.

The services of ICP-ANACOM conducted a series of investigative actions, on the one hand to verify PTC's compliance with the determination of 8/3/2007 and, secondly, to investigate the allegations about the behaviour of Tele2.

In light of the evidence, on 25 July 2007 ICP-ANACOM adopted a final decision whereby it determined:

- To order PTC to refrain from accepting applications from subscribers of pre-selected providers for the amendment or termination of pre-selection contracts or their deactivation, complying with the procedures stipulated in the Regulation for deactivation.

- Determine to Tele2 that, within a maximum of ten working days, it contact all its subscribers whose pre-selection deactivation requests were remitted to it by PTC without the deactivation being effected, to assess their effective willingness to alter or cancel the respective contracts. Should it be determined that a customer does not want to cancel pre-selection, Tele2 is no longer bound to comply with the obligation envisaged in section 1 of article 10 of Regulation no 1/2006.

It was further determined that ICP-ANACOM shall supervise compliance by PTC with the imposed determination and, upon expiration of said period, investigate whether Tele2 had halted such non-compliance, sending the direct access provider requests for deactivation corresponding to all contract terminations with which it had been presented, except those in respect of which it could demonstrate that the notice of termination did not correspond to the real will of subscribers.

On 7 September 2007, Tele2 submitted a new application to ICP-ANACOM for the settlement of a dispute with PTC as a result of information received from this company that it intended to suspend access to the service of pre-selection activation, under the existing Interconnection agreement between the parties.

Being of the position that such suspension was without grounds, Tele2 sought the urgent intervention of ICP-ANACOM, prohibiting PTC from suspending the provision of services, at least until such time as the matter was finally resolved in court.

By determination of 19 December 2007, ICP-ANACOM decided to terminate the process of administrative resolution of disputes between the parties. It was further decided to dispense with the procedure of the prior hearing of interested parties on this decision, pursuant to point a) of paragraph 2 of article 103 of the Code of Administrative Procedure.

With respect to this issue of pre-selection deactivation procedures, the further following activities were undertaken:

- Preparation of response to PTC as to the current situation regarding all requests presented by this company to ICP-ANACOM on the behaviour of Tele2 with respect to pre-selection.

- Preparation of a response to ASAE - Autoridade de Segurança Alimentar e Económica (Food and Economic Safety Authority) on the measures taken by ICP-ANACOM with respect to the commercial practices of Tele2 regarding pre-selection, following a complaint made to this entity by PTC.
- Preparation of a response to Onitelemo following a communication received from this company on requests for deactivation of pre-selection that were considered as having originated from the practice of PTC in breach of the Selection and Pre-selection Regulation and the determination of the Regulator in this respect.



■ Inspection

In respect of the powers statutorily conferred upon ICP-ANACOM regarding the implementation and enforcement of compliance with the laws and technical requirements, in 2007 ICP-ANACOM made it a priority to strengthen its investigative and enforcement activities in the detection of cases of the exercise of activities by entities lacking appropriate authorisation.

It also sought to verify compliance, on the part of authorised entities, with the provisions of the respective licences, preventing situations arising from distortions in the normal functioning of the markets.

Electronic Communications

In terms of electronic communications the following enforcement actions should be noted:

Telephone Service at a Fixed Location

- Verification of compliance in the provision of services advertised in the press in connection with PNN regarding the use of the 7 range numbering.
- Verification of compliance in providing services advertised in the press in connection with PNN regarding the use of the international numbering range.
- Verification of compliance in providing services advertised in the press in connection with PNN regarding the use of the 3 and 4 numbering range.
- Verification of misuse of geographic numbering.
- Evaluation of the provision of customers support services by operators of electronic communications.
- Comparative analysis of offers provided by operators of electronic communications of IPTV in the Portuguese market.
- Analysis of trends in the supply of VoIP services provided by operators of electronic communications.
- Verification of compliance with the imposition of restrictive measures on actions undertaken by the company of Grupo PT for the recovery of pre-selected customers (win-back).

- Verification of compliance with regulatory procedures and determinations of ICP-ANACOM, with respect to the deactivation of pre-selections.
- Verification of the functionality of voice-mail in the services of TV Cabo Portugal and in calls to ported numbers.
- Review of the functioning of the services of IPHONE (Cabovisão), Casa - T (TMN), Homephone (Vodafone) and Optimus Home (Optimus).
- Visits to 23 telephone exchanges of PT Comunicações subsequent to alleged physical constraints in respect of co-installation processes (ORALL).
- Visits to 72 establishments of operators of the telephone service at a fixed location, for the purpose of verifying the fulfilment of obligations related to Complaint Book and the appropriate disclosure of conditions for the supply of provided services.
- Instigation of seven supervisory measures with respect to the operator of the FTS, following complaints presented by customers.

Public payphones

Inspection of 96 cases of provision of the payphone service by entities in various parts of the mainland territory, to check their conditions of operation.

Mobile Services

- Verification of compliance with obligations under the new legal framework for calls in roaming.
- Verification of the conditions of supply and functioning of the service of access to the Internet provided by the operator authorised to use CDMA technology in the areas of Lisbon (city), the North and South of Portugal.
- Verification of the conditions of supply and functioning of the mobile service to access the Internet in public places under the Digital Parks project.
- Analysis of the evolution of the provision of post 3.5G generation mobile network services.

- Visits to 63 establishments of operators of mobile services, for the purpose of verifying the fulfilment of obligations related to the Complaints Book and the appropriate disclosure of the conditions of supply of the provided services.

Virtual Phone Cards

In this market, in addition to a comprehensive analysis of the conditions of use associated with the cards available in the market, an investigation was made of entities without authorisation and of the misuse of numbering resources.

Internet Access

The unusual behaviour of certain users of Internet, networks, commonly referred to as heavy users, has a negative and significant impact on the performance of networks, degrading the quality of service. Such a situation merited the special attention of operators who have implemented certain measures. On the side of the regulator, and with a view to adopting harmonised measures among all players in the market, to safeguard the interests of all users/consumers, a working group was established that includes representatives of operators/providers of access to the Internet and the Direção Geral do Consumidor (Directorate General for Consumer) to discuss these matters.

It should also be noted that an audit was held of the quality of service of access to the Internet in the broadband offers (Cable and ADSL) for the residential market.

Postal services

With respect to the postal services market, note should be made of the implementation of enforcement measures, covering the following areas:

- Evaluation of the provision of customer support services by postal service companies.
- Verification of the legality of the existence of post boxes in photocopy shops.
- Verification of compliance by authorised providers with obligations arising from the respective titles.

- Visits to 94 postal establishments, for the purpose of verifying the fulfilment of obligations related to Complaint Books.
- Instigation of ten enforcement actions in respect of complaints related to problems with postal deliveries.

Equipment market

Decree no 192/2000 of 18 August establishes the system of free movement, placing on the market and putting into service in the national territory, of radio equipment and telecommunications terminal equipment (R&TTE)⁸.

This Authority is charged with enforcing compliance with this scheme, which covers various types of equipment, including:

- Radio equipment which uses radio frequencies (radio spectrum), containing a transmitter and/or a receiver. This applies in particular to mobile telephones (GSM), satellite terminals, CB equipment (citizen's band), Maritime and wireless phones and short-range and low power equipment (bluetooth applications, remote controls - wireless alarms, devices to open garage doors, wireless LANs and remote control toys).
- Telecommunications terminal equipment which is connected through an interface to the public telecommunications network (the public GSM networks, the analogue or digital telephone networks and data networks). Examples of this equipment are telephones, answering machines, modems and GSM equipment (simultaneously radio equipment).



The supervision of this market involves three procedures for the assessment of conformity of equipment in the market, including:

- Procedure 1 - actions of direct investigation (presence and also by catalogue and Internet) of economic agents (distributors, importers, traders).
- Procedure 2 - market follow-up actions, through laboratory testing and analysis of technical documentation to verify compliance of equipment.
- Procedure 3 - market follow-up actions, through analysis of technical documentation to verify compliance of equipment.

In 2007, with respect to the procedures described, the activity undertaken had the following incidence:

- Procedure 1 - 1129 devices inspected. Under this procedure 1034 units were seized as a result of failing to meet one or more requirements for its entry into market (in particular, lack of CE mark, no declaration of conformity and no manuals in Portuguese).
- Procedure 2 and 3 - 541 devices inspected. Of this total, 178 were tested in 2007, whereby a rate of technical non-compliance (tests) of 39% was recorded with a rate of documentary non-compliance of 26%.

Procedures 2 and 3 involve laboratory testing and documentary analysis allowing comprehensive assessment of the compliance of equipment with the requirements set out in Decree-Law no. 192/2000 of 18 August.

Regarding the types of non-compliance detected, in procedure 2 and 3, in 2007 there was a large diversity in the types of non-compliances as shown in Table 4:

Technical and documentary non-compliance detected

Table 4

Types of non-compliance	% of the total
Information to the user about the purpose for which the equipment is intended	0,1
Indication on the packaging as to whether the equipment is intended for use in national territory or part thereof	2,6
Indication in the manual as to whether the equipment is intended for use in national territory or part thereof	2,9
Alert of any restrictions or requirements to which the equipment is subject	2,1
Statement of Compliance (must accompany the equipment) - in reduced format (in Portuguese) or in full or with reference to the Internet	9,4
Documentation and manuals in Portuguese Language	3,0
Existence of CE mark on the equipment (transmitter and receiver)	2,9
Existence of CE marking on the package	0,4
Existence of CE marking in the manual	3,0
Visible, legible and indelible marking	0,3
Designation of the contacted notified body (marking) on the equipment	0,9
Designation of the contacted notified body (marking) on the packaging	0,9
Designation of the contacted notified body (marking) on the manual	0,9
Identification of the class of equipment (marking) on the equipment	2,8
Identification of the class of equipment (marking) on the packaging	2,9
Identification of the class of equipment (marking) in the manual	3,0
Symbol informing that the equipment uses frequency bands whose use is not harmonised in the European Union (I) on the equipment	2,7

Technical and documentary non-compliance detected (cont.)

Table 4

Types of non-compliance	% of the total
Symbol informing that the equipment uses frequency bands whose use is not harmonised in the European Union (!) on the packaging	2,7
Symbol informing that the equipment uses frequency bands whose use is not harmonised in the European Union (!) in the manual	2,8
Identification of equipment - Manufacturer	0,5
Identification of equipment - Brand	0,1
Identification of equipment - Type	1,3
Identification of equipment - Series no.	3,1
Notification in accordance with article 6.4 of the R&TTE Directive	3,2
Response to Article 6.4 notification by ICP-ANACOM	0,0
General description of equipment	0,5
Drawings of the design and manufacture	3,3
Diagrams	3,3
Technical specifications	3,3
Block diagram	3,4
List of components	3,3
List of standards applied in full or in part	3,1
Harmonised radio standards	0,1
Harmonised EMC standards	0,1
Harmonised LVD standards	0,1
Harmonised Health Protection standards	0,3
Description and explanation of the solutions adopted where harmonised standards have not been applied	0,2
Results of design calculations and tests performed	2,9
Radio test reports	3,2
EMC test reports	3,3
LVD test reports	3,3
Statement issued by the manufacturer that the tests were conducted and that the essential requirements are met (annex III); or statement issued by the notified body that the technical dossier proves compliance with the essential requirements (annex IV); or statement which proves the assessment of compliance with the obligations under the quality system (annex V)	3,2
Full declaration of conformity - provided with the equipment	2,9
Full declaration of conformity - provided with the technical documentation	3,2
Full declaration of conformity - indication of the manufacturer	0,4
Full declaration of conformity - signature of issuer	0,1
Full declaration of conformity - indicates compliance with Directive 1999/5/EC	0,1
Full declaration of conformity - indication of technical standards	0,1
Full declaration of conformity - indication of the date	0,1
Radiated disturbing electromagnetic field	1,3
Voltage can disturb supply terminals	0,1
Frequency drift	0,3
Total	100,0

Source: ICP-ANACOM.



As a result of the non-conformities detected 64 cases were submitted to litigation.

In the case of radio equipment which uses frequency ranges whose use is not harmonised across the European Union, it is necessary, by imposition of article 9 of Decree-Law no 192/2000 of 18 August, that the manufacturer, the legal representative thereof or the importer notify ICP-ANACOM of such. Said notification must be undertaken four weeks prior to any market placing.

In 2007, 1114 notifications of radio equipment were received of which 191 (17.1%) had errors. The most frequent types of error relate to the non-satisfaction of requirements regarding the antennas of equipment (68.8%) and the absence of any indication of the maximum power (18.5%).

In Table 5 the distribution is presented, covering the year 2007, of the 1114 notifications by type of equipment:

In 2007, ICP-ANACOM received 63 safeguard clauses under article 9 of Directive 1999/5/EC (article 16 of Decree-Law no. 192/2000 of 18 August).

Type of equipment reported

Table 5

Type	Notifications	
	(in number)	%
Alarms	29	4,0
Land Mobile	42	3,8
Wireless Audio	62	5,6
Blue Tooth	21	1,9
Motion Detection	4	0,4
Radio	20	1,8
PMR 446	38	3,4
Amateur	9	0,8
Immobiliser	16	1,4
Maritime Mobile	28	2,5
CB	12	1,1
Radar	30	2,7
Broadcasting	7	0,6
RFID	73	6,6
RLAN	634	56,9
Non-specific SRD	18	1,6
Telecomand	47	4,2
Telemedia	12	1,1
Data Transmission	12	1,1
TOTAL	1114	100,0

Source: ICP-ANACOM.

Telecommunications Infrastructure in Buildings - ITED

In 2007, registration was carried out of 38 new certifying entities and the revaluation of 38 certifying entities completed three years following registration, which led to audits and inspections of infrastructure certified by these entities.

With respect to inspection activity, 211 inspections took place, in respect of various processes, including registration, revaluation, revocation of registration, complaints, other inspections and the designation of training bodies.

At the end of 2007, there were 152 certifying entities in operation, whereas the registrations of 10 ITED certifying entities were withdrawn over the year.

The requirements in force in the ITED Manual require that the certifying entities acquire a range of testing equipment in order to upgrade their levels of quality.

In 2007, there were 17 cases with respect to the updating of items of registration of certifying entities, of which 7 related to procedures for updating technology.

4 training bodies were designated for the implementation of qualification courses in ITED and, for the first time, a survey was conducted relating to activities conducted in 2006 by these bodies.

With respect to the disclosure of the ITED scheme, ICP-ANACOM participated in 8 seminars organised by other entities and promoted the holding of 2 seminars: one for training bodies and one for certifying bodies.

In addition to the disclosure activities, clarification was made of doubts and queries. In fact, 589 requests for information involving technical and legal analysis were answered in writing, in addition to over 1000 clarifications given by technicians over the telephone.

As usual, the annual report was prepared on the activities of the certifying entities with respect to the questionnaire that is sent annually to those entities.

Finally, it is noted a great effort was undertaken in the development of a Management System for telecommunications infrastructure in buildings (SGITED), a computer application that aims to automate and streamline all ITED related processes. This system was developed in conjunction with a company that specialises in software.

SGITED will enable major gains in efficiency for ICP-ANACOM and for the various entities involved (certifying entities, ITED training bodies, ITED technicians, site owners and/or consumers, among others), in the context of a wider use of electronic services online.



■ Litigation And Offences

Community Litigation

Designation of the Universal Service Provider

With the conclusion of the transposition of the set of Directives approved in 2002 - including Directive 2002/22/EC of the European Council of 7 March 2002 on US and users' rights relating to electronic communications networks and services (Universal Service Directive), the EC questioned the compatibility of the designation of PT Comunicações, S.A. as the company responsible for providing the US with the rules set out in this Directive, taking into account the extremely extended period for which the designation was made.

On that basis the EC initiated a of pre-litigation process, under which the Portuguese State was urged to provide clarifications aimed at putting in place measures ensuring that the designation of the US provider is compliant with the rules of the Directive.

Deputy states

At the request of Secretary for Public Works and Communications (SEAOPC), a new study was carried out on the various stages to be undertaken in the context of a process of designating the US provider under the terms established in the LEC, in transposition of the Universal Service Directive, and thereafter, seeking details on the position previously held by the Government in the community process of pre-litigation.

Relevant markets

Additional information was prepared in respect of the first notification for non-compliance with provisions of the community regulatory framework applicable to electronic communications, specifically due to the fact that ICP-ANACOM, as national regulator, had not yet conducted the analysis of markets 15 and 18 of Commission Recommendation 2003/311/EC of 11 February 2003. In this communication, transmitted to the Planning, Strategy and International Relations Office of Ministério das Obras Públicas, Transportes e Comunicações (MOPTC/GPERI - Ministry for Public Works, Transport and Communications), ICP-ANACOM stated that, by determination of 2 August 2007, approval was given to the final decision on the definition of product markets and geographic markets, evaluations of significant market power

and the imposition, maintenance, amendment or removal of regulatory obligations in the wholesale market for broadcasting services for the delivery of content transmitted to final users (market 18 of the Commission Recommendation).

Universal Service Directories

Considering that, by failing to guarantee the existence in Portugal of at least one complete directory list and at least one complete telephone information service for all end users, the Portuguese Republic has not ensured compliance with the obligations set out in the Universal Service Directive, the EC initiated legal action in the Court of Justice of the European Communities for breach of these rules (Case no C-458/07 - Commission/Portugal).

At this level it should be noted that since 2003 ICP-ANACOM has adopted a series of measures to ensure the provision of complete telephone directory and information services. Such measures have not been successful to date in ensuring the availability of the list and information service required by the aforementioned directive, nor were they effective in preventing the proceedings instigated by the EC.

Emergency Services

Throughout 2007, as a result of the unavailability of information on the location of the "calling user" in communications made to the 112 - single European emergency number, multiple contacts have been made to identify technical measures that would ensure compliance with the obligations imposed by EU Directives.

In this case meetings have been held with the operators and providers of services, representatives of the Office of SEAOPC and the Minister of Home Affairs (MAI), as well as with representatives of the police and Instituto Nacional de Emergência Médica (National Institute of Medical Emergencies), entities with responsibility for putting into operation the measures designed to ensure the availability of information on the location of the "calling user" to those responsible for dealing with emergency communications.

Full compliance with the requirements set out in the Community Directive on the single European emergency number was accomplished on 30 July 2007, the date on which the mobile operators began to send data on the location of callers to the 112 exchanges of the autonomous regions of the Azores and Madeira.

Throughout the whole process, information was provided to the EC on the measures taken in order to comply with the obligations, which did not prevent infringement proceedings being instigated against the Portuguese State on 10 May 2007.

Cases instituted in 2007

Table 6

Cases	N.º (value)
Cases Instituted	243
Cases Determined	51
With voluntary payment	1 (€99,76)
With acquittal	5
With reprimand	12
With application of fine	33 (€186.527,59)
Paid	11 (€54.478,79)
Executed	6 (€7.350,00)
Outstanding	12 (€63.198,80)
Appealed	4 (€61.500,00)

Source: ICP-ANACOM.

Cases carried over from previous years

Table 7

Cases	N.º (value)
Fines paid	6 (€2.344,58)
Sent for execution	11 (€6.020,96)
Challenged	2 (€152.000,00)
Cases Decided	67
Archived	13
With voluntary payment	2 (€199,52)
With acquittal	16
With reprimand	8
With application of fine	28 (€205.992,86)
Paid	13 (€47.246,37)
Executed	8 (€22.646,75)
Outstanding	3 (€17.599,75)
Appealed	4 (€118.500,00)

Source: ICP-ANACOM.

Following the withdrawal presented by the EC on 24 October 2007, the procedure for failure to fulfil its obligations was closed by order of the Court of Justice of the European Communities of 27 November 2007, with costs to be borne by the Portuguese Republic.

Infringement Proceedings

In Table 6 and in Table 7 detailed information is given on cases of infringements begun in 2007 and carried over from previous years:



The types of liability that led to the institution of 243 infringement proceedings in 2007 are set out in the following tables:

Instituted due to breach of Law no 5/2004 of 10 February

Table 8

Electronic Communications Networks and Services	110 Cases
• Failure to provide information to the NRA (Article 108)	78
• Violations of the rules set out in the Selection and Pre-selection Regulation (Regulation 1/2006 of 9 January)	6
• Use of subscription contracts without prior approval of the NRA (Article 39/4)	5
• Commencement of activity without prior notification to the National Regulatory Authority (NRA) - General Authorisation Regime (Article 21/1)	4
• Non-Compliance with orders or legitimate notices of the NRA [see Article 113/1, point xxx]	4
• Amendment of the conditions of provision of services without prior notice to subscribers (Article 48/3)	3
• Suspension of the provision of electronic communications services, due to the non-payment of bills, without prior notice [Article 39/2, point a)]	2
• Breach of conditions associated with the rights to use numbers (Article 34/1)	1
• Violations of the rights of users of publically available networks and services to be provided, in a timely manner and prior to the conclusion of any contract, with written information on the conditions of access and use of the service [Article 39/1, point b)]	1
• Breach of the obligation by companies providing public telephone networks at fixed locations to ensure the integrity of their networks (Article 49/1)	1
• Suspension of telephone service without notice (Article 52/1)	1
• Non-compliance with the obligation of non-discrimination (Article 66/1)	1
• Failure to respond to electronic requests for portability within a maximum period of 2 working days [Article 12/7 of Regulation no 58/2005 of 18/8 (Portability Regulation)]	1
• Illegitimate suspension of telephone services, in breach of the rules governing the process of portability [Article 13/2 of Regulation no 58/2005 of 18/8 (Portability Regulation)]	1
• Failure to assume requests to cancel portability, as well as lack of synchronisation of portability and local loop unbundling processes [article 14/2 and article 23/1 of Regulation no 58/2005 of 18/8 (Portability Regulation)]	1

Source: ICP-ANACOM.

Instituted for Violation of other Legislation

Table 9

Electronic-Commerce (Decree-Law no 7 / 2004 of 7 January)	1 Case
• Sending unsolicited communications, in breach of statutory requirements set out in Article 22/2 and 4	1
Handling of Personal Data and Protection of Privacy (Law no 41/2004 of 18 August)	2 Cases
• Breach of confidentiality (Article 4 / 1)	1
• Use of unauthorised interception of communications without prior and express consent of users (Article 4 / 2)	1
Postal Services (Decree-Law no 150/2001 of 7 May, as amended by Decree-Law no 116/2003 of 12 June)	40 Cases
• Failure to provide ICP-ANACOM with the information necessary for verification and enforcement of the requirements and conditions derived from the authorisation or license [Article 18 / 1, point i)]	39
• Provision of Postal Services without the proper authorisation for the activity (article 4/1 and article 3/1 and 2)	1
Television Activity (Decree Law no 151-A of 20 July, applicable by virtue of Decree-Law no 126/2002 of 10 May)	1 Case
• Failure to maintain the networks and stations in good working order, refraining from causing interference to other networks and radio stations, [article 10, point b)]	1
Radio Broadcasting Activity (Decree-Law no 151-A/2000 of 20 July, applicable under Article 1 of Law Decree no 126/2002 of 10 May)	15 Cases
• Use of radio stations in violation of the technical parameters set by ICP-ANACOM [article 10, point g)]	14
• Use of stations without required license and in breach of the technical design submitted for licensing (article 8/3)	1
Radio Broadcasting Activity - Rds (Decree-Law no 272/1998 of 2 September)	2 Cases
• Use of the RDS system, in violation of the limits and terms of the license (article 7/1)	1
• Use of the RDS system without authorisation (article 3/1)	1
Amateur Radio Service (Decree-Law no 5/95 17 January)	1 Case
• Use of frequency bands and emission classes different from those authorised for the amateur service [articles 23/2, point l)]	1
Personal Radio Service - C.B. (Decree Law no 47/2000 of 24 March)	1 Case
• Use of CB stations by non-registered entities (article 3/1)	1
Land Mobile Service for Private Use (Decree-Law no 151-A/2000 of 20 July)	49 Cases
• Use of a radio network without license (article 7/1)	24
• Use of radio stations in violation of the technical parameters set by ICP-ANACOM [article 10, point g)]	11
• Use of radio stations without license (article 8/3)	7
• Use of radio stations on unassigned frequencies [article 10, point f)]	4
• Violations of the obligation to affix a plate on the all fixed stations stating the identity of the user [article 10 point h)]	2
• Use of radio stations causing interference with other radiocommunications networks and stations, and use of unassigned frequencies [article 10, point b) and f)]	1



Instituted for Violation of other Legislation (cont.)

Table 9

Post Office Box Service (Regulation of the Public Postal Service, approved by Decree-Law no 176/88 of 18 May)	1 Case
<ul style="list-style-type: none"> Non-compliance with the provisions of applicable legislation related to the installation, repair or replacement of residential mailboxes, whenever the presence of the latter is mandatory (article 84, point j) 	1
Installation Of Telecommunications Infrastructure In Buildings (ITED) (Decree Law no 59/2000 of 19 April)	14 Cases
<ul style="list-style-type: none"> Issuance of Certificate of Compliance with respect to non-compliant installation [article 27/1/point a)] 	9
<ul style="list-style-type: none"> Breach of the obligation of ITED installers to only use equipment and material on site that is compliant with the applicable requirements [article 19/b)] 	4
<ul style="list-style-type: none"> Failure to comply with the obligation applicable to site owners, who are obliged to undertake certification of compliance of telecommunications infrastructure with the technical requirements and specifications and related technical projects (article 22/1) 	1
Terminal and Radio Equipment (Decree-Law no 192/2000 of 18 August)	6 Cases
<ul style="list-style-type: none"> Placing of equipment on the market which does not comply with the applicable essential requirements, have not been subject to a conformity assessment procedure and are not duly marked (article 7/1). Failure to inform the user of the intended use of the equipment [article 8, point a)]. Failure to supply the user with a declaration of conformity to the essential requirements, together with the equipment [article 8, b)]. Violation of the obligation to provide the user with information, by failure to indicate on the packaging and instructions as to whether the radio equipment is intended for use in Portuguese territory or part thereof [article 9/1, point a)]. Violations of the obligation to provide notification to ICP-ANACOM prior to the placing on the market of radio equipment using frequency bands whose use is not harmonised throughout the European Union (Article 9/3). Violations of the obligation to affix the CE mark of conformity on appliances that meet the essential requirements (article 27/1). Violations of the obligation to provide documentation, information and instruction manuals with a version in the Portuguese language, containing express indication of the legal requirements of conformity (article 28/3). Failure to declare that the equipment complies with the applicable essential requirements [no 5, point b) of Annex III]. Violation of the obligation to maintain the technical construction dossier, making it available to the competent national authorities for inspection for a period of not less than 10 years (paragraph 7 of Annex IV). 	

Source: ICP-ANACOM.

Administrative Actions

In Table 10 and Table 11 detailed information is provided concerning the processes in administrative litigation began in 2007 and carried over from previous years.

Cases in administrative litigation 2007

Table 10

Types of Cases	Nº
Protective Measure	1 (suspension of validity)
Special Administrative Action	5
Joint Administrative Action	1
TOTAL	7

Fonte: ICP-ANACOM.

Administrative litigation brought forward

Table 11

Types of Cases	Nº
Protective Measure	2 (suspension of validity)
Special Administrative Action	20
Action for Annulment	11
Action to Enforce a Right (tax)	2
Liability Action Civil of the State	1
Common Admin. Proc. - Right of Work	1
TOTAL	37

Source: ICP-ANACOM.

Below, an essential summary is given with respect to the 7 processes that began in 2007, all relating to electronic communications networks and services:

- Precautionary procedure of suspension of validity, brought by BLUE CARD - SERVIÇOS DE TELECOMUNICAÇÕES INFORMÁTICAS, LDA, seeking the immediate suspension of the act of applying the fee with respect to invoice no. FATS000123.

ICP-ANACOM presented its opposition on 18.06.2007. Ruling on 11.07.2007, the Lisbon Administrative and Fiscal Court decided to reject the request.

The process is closed.

- Joint administrative action, with simplified procedure, brought by BLUE CARD - SERVIÇOS DE TELECOMUNICAÇÕES INFORMÁTICAS, LDA, in order to clarify questions of law, particularly whether Order no 1230-99, is a regulation and as such is without effect due to the fact that it was published in the 2nd Series of *Diário da República* and not in the 1st-B in accordance with Article 3, paragraph 3, d) of Law no. 74/98 of 11 November, and as to whether the repeal of the Decree Law which served as a foundation and its replacement by Law no. 5/2004 of 10 February determined the termination of the validity of that regulation.

ICP-ANACOM logged a challenge on 17.12.2007. The case is pending.



- Special Administrative Action, brought by VODAFONE PORTUGAL - COMUNICAÇÕES PESSOAIS, S.A., seeking to challenge the determination taken by the Board of Directors of ICP-ANACOM on 28 February 2007, on the audit of the use of radio spectrum in respect of the Land Mobile Service which ICP-ANACOM had ordered and which aimed at evaluating the correction of the values used for determining the spectrum fees payable by the plaintiff.

ICP-ANACOM logged a challenge on 05.09.2007.

The case is pending.

- Special Administrative Action, brought by PT COMUNICAÇÕES, SA seeking a declaration of nullity or annulment of the administrative act contained in the determination of the Board of Directors of ICP-ANACOM of 25 July 2007 with respect to the “Imposition of obligations upon PT Comunicações, S.A. and on Telemilénio - Telecomunicações, Sociedade Unipessoal, Lda (Tele2), with respect to pre-selection” and the declaration of unconstitutionality and illegality of paragraph 1 of article 10 and point e) of paragraph 1 of article 6 of Regulation 1/2006 of 9 January (Selection and Pre-selection Regulation). This last rule introduced by Regulation no 268/2007, was published on 15 October 2007, both issued by the Board of Directors of ICP-ANACOM.

ICP-ANACOM logged a challenge on 18.01.2008.

The case is pending.

- Special Administrative Action (for annulment), brought by ORA TELECOM - COMUNICAÇÕES, UNIPESSOAL, LDA against ICP-ANACOM, challenging the determination adopted on 04.04.2007 by the Board of Directors of ICP-ANACOM on the establishment of the numbering ranges “761” and “762” - seeking declaration of its invalidity or, alternatively, its annulment, «*in the part concerning the provision of audiotext services through the numbering ranges of “761” and “762”*».

ICP-ANACOM logged a challenge on 08.10.2007.

The case is pending.

- Special Administrative Action, brought by PT COMUNICAÇÕES, SA. seeking the annulment of the determination issued by the Board of Directors of ICP-ANACOM on 17 May 2007 with respect to the “specific conditions in the scope of the US for retired people and pensioners”, in which ICP-ANACOM ordered PTC to grant (with retroactive effect), within the scope of the US, a 50% discount on network line rental to retirees and pensioners subscribing to a single line of the analogue network, where the household of said subscriber receives a monthly income equal to or below the national minimum wage, with such discounts reflected in the value associated with the ORLA.

ICP-ANACOM logged a challenge on 28.01.2008.

The case is pending.

With respect to the 37 cases brought forward, the following developments in 2007 should be noted:

Interconnection (Interconnection Process of Optimus and Vodafone/ONIWAY):

On 29.11.2002, VODAFONE TELECEL - COMUNICAÇÕES PESSOAIS, S.A., brought an appeal of annulment in respect of the determination issued by ICP-ANACOM of 24.09.2002.

Given the lapse of the appealed determination, the Lisbon Administrative and Fiscal Court, ruled on 07.05.2007 that there was no further need to adjudicate.

The process is closed.

Telecommunications infrastructure in buildings - ITED:

On 21.05.2003 the company MEIRA DE SÁ - PROJECTOS ENGENHARIA E SERVIÇOS, LDA., brought an appeal against the annulment of the determination of ICP-ANACOM of 12.12.2002 (as regards "provisional suspension of its registration as a certifier of Telecommunication Infrastructure in buildings").

On 19.03.2004 the proceedings were declared terminated without need to adjudicate.

MEIRA DE SÁ - PROJECTOS ENGENHARIA E SERVIÇOS, LDA, appealed to the Supreme Administrative Court on 16.04.2004.

The appeal was admitted and ICP-ANACOM submitted the corresponding allegations on 08.07.2004.

On 09.06.2005, the Supreme Administrative Court upheld the appeal, referring the case back to the court a quo in order that it might proceed.

The applicant submitted claims on 28.10.2005, whereby this Authority set out its allegations on 10.11.2005.

The Administrative Circuit Court of Porto, in a ruling issued 07.05.2007, dismissed the action.

The process is closed.

Electronic Communications Services and Networks:

On 23.01.2006 MUNICÍPIO DO PORTO instituted an Special Administrative Action, seeking the "declaration of illegality of the rule in paragraph 1 of article 5 of Regulation no 38/2004 of 29.9, with effects confined to the Municipality of Porto and the consequent suppression of this rule, determining that the payment of the municipal fee for rights of way (TMDP) be made, as provided in law, based on the calculation of values invoiced".

ICP-ANACOM challenged on 16.03.2006.

The Porto Administrative and Fiscal Court concluded that article 5 paragraph 1 of Regulation no 38/2004 of 29.9, was in no way unlawful, since this Regulation determines the period and manner of payment of TMDP to the municipalities, "based on the calculation of figures collected", that is by reference to revenue arising from the application of the fee, as required by paragraph 3 of article 123 of the LEC, whereby, by ruling issued on 26.04.2007, the action was dismissed as unfounded and, accordingly, the defendant entity acquitted.

The process is closed.

Complementary Mobile Telecommunications Service - Trunking Service:

1. On 31.05.2006 RADIOMÓVEL - TELECOMUNICAÇÕES, S.A., presented a protective measure of suspension of validity, seeking the suspension of validity of the Determination of the Board of Directors of 21.04.2006, insofar as it requires the termination, within one month, of the supply/provision of a service/product of electronic communications produced and marketed by RADIOMÓVEL - TELECOMUNICAÇÕES, S.A.

The determination was adopted subsequent to the determination of 20.10.2005 (which had been challenged by RADIOMÓVEL - TELECOMUNICAÇÕES, S.A., and whose validity had been partially suspended by ruling of the Administrative and Fiscal Court of Sintra on 05.01.2006 - which ruling was appealed by ICP-ANACOM, which came to be ruled as devoid of purpose, by Judgement of 18.01.2007).

By ruling issued on 26.02.2007, the Administrative and Fiscal Court of Sintra decided: To rule the application for the precautionary procedure of suspension of validity of the administrative act reasonable and therefore to suspend the validity of the determination of 21.04.2006. ICP-ANACOM, Vodafone and TMN brought independent appeals against the ruling by the Administrative and Fiscal Court of Sintra to the South Central Administrative Court, which, by its ruling of 21.06.2007, decided to dismiss them, fully confirming the appealed ruling. The process is closed.

2. In 2006 A RADIOMÓVEL TELECOMUNICAÇÕES, S.A., proposed a Special Administrative Action, seeking a declaration of invalidity or, alternatively, the annulment of several administrative acts in respect of determination of the Board of Directors of ICP-ANACOM of 20.10.2005 insofar as said determination orders, as an interim measure, the immediate ban, for a period of 6 months, of the supply/provision of a service/product of electronic communications produced and marketed by RADIOMÓVEL TELECOMUNICAÇÕES, S.A., as well as, insofar as it imposes on another operator (JAZZTEL) the immediate cessation, for a maximum of 6 months, of the transfer to that operator of rights to use geographic numbers. ICP-ANACOM logged a challenge on 03.04.2006.



On 21.04.2006, the Board of Directors adopted a new determination, which definitively ordered RADIOMÓVEL TELECOMUNICAÇÕES, S.A. to cease within one month, while observing the required period of notice to existing users, from using the range of geographical numbering in the supply and provision of the ZAPP Service.

On 27.07.2006, RADIOMÓVEL - TELECOMUNICAÇÕES, S.A., applied to the Administrative and Fiscal Court of Sintra, for the expansion of the object of the action.

The Court issued a curative act on 14.07.2007, whereby notification was made to the parties that they submit written statements in 20 days.

ICP-ANACOM submitted its written statement on 10.09.2007 and the Plaintiff and the counter-parties also presented their claims.

The case is pending.

Universal Service of Telecommunications:

1. On 16.09.2002 PT COMUNICAÇÕES, S.A., brought an appeal of annulment, seeking the annulment of the determination of ICP-ANACOM issued on 14.06.2002, on "Conditions under which the Telephone Directories Service and the Telephone Directory Enquiry Service are to be Provided".

This appeal had been rejected by ruling of 04.11.2002, which deemed the error in the indication of ICP-ANACOM as author of the appealed act to be manifestly inexcusable. The applicant then applied, primarily, to present a new petition or, alternatively, for the acceptance of the judicial review of said ruling.

By order of the Administrative and Fiscal Court of Lisbon of 14.02.2005, the judicial review was accepted and the application to submit a new petition denied.

ICP-ANACOM, cited in this appeal, lodged their claims on 04.04.2005.

Being dissatisfied with the decision of 14.02.2005, insofar as it rejected the application to submit new application, the applicant appealed to the 1st Subsection of the Supreme Administrative Court, which decided to dismiss the appeal.

Disagreeing, the applicant logged an appeal of that ruling to the Administrative Litigation Section of the Supreme Administrative Court, due to contradiction of decisions.

ICP-ANACOM, notified as to the judgement of 17.10.2006, which ruled that there was a contradiction of decisions as alleged by PT COMUNICAÇÕES SA, submitted its claims on 14.11.2006.

By judgement of 29.05.2007, the Supreme Administrative Court accepted the appeal and reversed the appealed judgement, and the decision which this confirmed, ordering further for the case to be referred back and for the appeal to proceed.

ICP-ANACOM was notified in order to respond, if it so wished, to the appeal of annulment brought by PTC, SA - which response was logged on 24.01.2008.

The case is pending.

2. On 29.03.2004, VODAFONE PORTUGAL - COMUNICAÇÕES PESSOAIS, S.A., instituted a special administrative action, seeking the annulment of the determination of ICP-ANACOM of 18.12.2003, on the inclusion of personal data of subscribers in telephone directories and information services under the Universal Service of Telecommunications.

ICP-ANACOM challenged on 11.5.2004 and presented its arguments on 06.05.2005.

By ruling issued on 28.03.2006, the Administrative and Fiscal Court in Lisbon upheld the action, annulling the determination of the Board of Directors of ICP-ANACOM of 18.12.2003.

On 12.05.2006, ICP-ANACOM appealed to the South Central Administrative Court, presenting its arguments. VODAFONE PORTUGAL - COMUNICAÇÕES PESSOAIS, S.A., was also notified of the decision of 28.03.2006, and not being in agreement, appealed to the South Central Administrative Court.

ICP-ANACOM entered its counter-claims on 02.02.2007.

The case is pending.

3. On 24.03.2004 OPTIMUS - TELECOMUNICAÇÕES, S.A., brought a Special Administrative Action, following the determination of ICP-ANACOM of 18.12.2003 on the inclusion, within the scope of the Universal Service of Telecommunications, of the personal data of subscribers in telephone directories and the information service. ICP-ANACOM challenged this action in 11.05.2004.

By ruling issued on 16.10.2006, the Administrative and Fiscal Court of Lisbon dismissed the application, and so upheld the determination of ICP-ANACOM of 18.12.2003.

OPTIMUS - TELECOMUNICAÇÕES, S.A., not being in agreement, appealed that decision to the South Central Administrative Court.

ICP-ANACOM submitted its counter-claims on 17.01.2007.

The case is pending.

In the Administrative Circuit Court of Lisbon, there were a further two actions filed against ICP-ANACOM, one of which awaits ruling and the other elaboration of Specification and Questionnaire (STVA - Serviços de Telecomunicações de Valor Acrescentado, Lda. and Casa Viola - Lotarias, Lda.).

Legal Challenges to Fees Applied by ICP-ANACOM

In 2007, 2 legal challenges were brought in respect of settlement of fees:

- One for fees to use the radio spectrum with respect to the second half of 2006 (as well as the decision rejecting internal appeal of the act of settlement), brought by VODAFONE PORTUGAL COMUNICAÇÕES PESSOAIS, S.A.
- One concerning the exercise of the activity of providing networks and services, brought by WORLDBROKER TELECOMUNICAÇÕES, LDA.

ICP-ANACOM prepared the challenges to be submitted by representatives of the tax authorities.

There remained the accompaniment of 15 cases of judicial appeal of fees instigated in previous years.

Special Judicial Process for the Recovery of Business and Bankruptcies

36 special judicial proceedings were accompanied in respect of the recovery of companies and bankruptcies, in which ICP-ANACOM participated in the quality of creditor, in the most part due to claims resulting from the non-payment of fees. During the year 2007, 1 of the pending cases was concluded.

Tax Foreclosures

Accompaniment continued over the course of 2007 of 8 cases of tax foreclosure brought forward from preceding years, of which two were concluded this year.