

National Roadmap for the 700 MHz band

Addendum

The Autoridade Nacional de Comunicações (ANACOM) adopted two decisions that, in accordance with Article 1 (1) of Decision (EU) 2017/899 of the European Parliament and of the Council of 17 May 2017 (Decision 2017/899), impact the date of release and allocation of the 700 MHz band, planned for 30 June 2020 under the National Roadmap¹, which had been approved under the terms of and in accordance with Article 5 of the above Decision, and duly communicated to the European Commission.

Thus, by decisions dated 12.03.2020, after the declaration of a pandemic by the World Health Organisation, and dated 19.03.2020, after the declaration of a state of emergency by the President of the Republic, the following were suspended, respectively:

1. the process of migrating the DTT network to the sub-700 MHz band;
2. the regulatory consultation procedure to which the Draft Regulation of the Auction for the Allocation of Right of Use of Frequencies in the 700 MHz, 900 MHz, 1800 MHz, 2.1 GHz, 2.6 GHz and 3.6 GHz bands was subject.

Against this background, the timetable established in the National Roadmap has been unavoidably compromised.

1. The release of the 700 MHz band

By decision of ANACOM, dated 12 March 2020, which was endorsed by order of the Deputy Secretary of State and Communications, the process of migrating the digital terrestrial television (DTT) network has been suspended within the context of the release of the 700 MHz band, for reasons of force majeure.

Indeed, taking into account:

- the information submitted by MEO - Serviços de Comunicações e Multimédia, SA (MEO or Altice Portugal), as holder of the right of use of frequencies (RUF) at national level for the DTT service, with which the *Multiplexer A* (MUX A) is associated, in relation to the constraints (at local, national and international level) that it is facing under the process

¹ Available at: <https://www.anacom.pt/render.jsp?categoryId=406312>

of migrating the DTT network, as a consequence of the accelerated dissemination of COVID-19;

- the risk analysis under the support for end-users provided by ANACOM, whether by means of field teams supporting communities to re-tune to the respective broadcasters, or by means of call centre staff dedicated to the migration process;

It is believed that, given the gravity of the events, which are conspicuous and of public knowledge, the development of which is inevitable and also unpredictable, the current situation constitutes force majeure, which justifies the reporting of the postponement of the release of the 700 MHz frequency band to the European Commission and Member States.

The suspension process, to which MEO has given its consent, results from prior consultations between ANACOM and the company.

In this context, the process of migrating the DTT network to the sub-700 MHz band is suspended until such time as the conditions are created to allow a resumption of the respective works on all fronts, with a new timetable to be established at that time, in consultation with MEO.

2. The allocation of the 700 MHz band

Decision of ANACOM, dated 19 March 2020, determined the suspension of the regulatory consultation procedure to which the *Draft Regulation of the Auction for the Allocation of Right of Use of Frequencies in the 700 MHz, 900 MHz, 1800 MHz, 2.1 GHz, 2.6 GHz and 3.6 GHz bands* was subject, as approved by determination of 06.02.2020, until a future time to be decided taking into account the duration of the exceptional and temporary measures taken in response to the epidemiological situation caused by SARS-Cov2 and by the disease COVID-19.

Indeed, taking into account:

- the arguments presented by MEO, NOS Comunicações, SA (NOS) and by Vodafone Portugal – Comunicações Pessoais, SA (Vodafone) and, relating to (i) the exceptional period of crisis resulting from the dissemination of the COVID-19 outbreak, which culminated in the declaration, by the World Health Organisation of a pandemic, to (ii) the

state of emergency currently in place in Portugal, to (iii) all the resulting constraints, specifically the unpredictability of the situation and the impossibility of evaluating its respective development, it being incontrovertible that we are faced with a scenario that is likely to deteriorate, with an enormous impact on the capacity to respond of the broadest range of actors, to (iv) the adoption of exceptional measures of prevention and control of infection by the novel Coronavirus, the efforts and activities of the companies being centred on the continuity of essential services, to (v) the fact that there are a large number of people in permanent positions who, having been seconded from their normal duties, are currently supporting the activities of the COVID-19 crisis committees, affecting the companies' capacity to respond;

- the constraints associated with COVID-19 and the resulting contingency measures that are in the process of being adopted, which affect the normal functioning of the institutions and the companies, constraining their respective activities, and recognising that, under the state of emergency declared by the President of the Republic, tougher restrictions may be imposed that will have a greater impact on individuals and companies' capacity to respond;

- the suspension of the DTT network migration process, in a context of force majeure, with the agreement of the Government, which consequently dictates the postponement of the date of release of the 700 MHz band, planned for 30 June 2020;

ANACOM has decided to suspend, with immediate effect, the regulatory consultation procedure relating to the *Draft Regulation of the Auction for the Allocation of Right of Use of Frequencies in the 700 MHz, 900 MHz, 1800 MHz, 2.1 GHz, 2.6 GHz and 3.6 GHz bands*.

Consequently, this decision impacts the beginning of said auction, under which spectrum is to be allocated, specifically the 700 MHz band, which may only take place when the procedure for establishing the respective rules and conditions of access and use of the spectrum to be offered to the market has been completed, as set out in the final version of the regulation subject to consultation.

Lisbon, 27 March 2020.