

**ADVISORY COUNCIL OPINION  
ON THE  
REGULATION, SUPERVISION AND OTHER  
ACTIVITIES REPORT 2010**

## I In general terms

The presented Annual Report of ICP-ANACOM results from the called-for integration of the previous Regulation Report and the Activities Report, notwithstanding the consideration and analysis of the formal and operational individuality of the activity. This integration reflects one of the recommendations of ICP-ANACOM's Advisory Council. Its formal temporal and logical articulation prevents overlap and duplication and ensures immediate and accurate references which give a clearer view of the global regulatory activity as it lines up with reality and instils added value.

The structuring of the Regulation Report according to the major strategic objectives established by ICP-ANACOM enables an integrated understanding of the activity of the National regulatory Authority and the results achieved.

The inclusion of Block A – Background in the report provides a fitting executive summary which could be made available to the general public.

The inclusion of a description of the main disputes arising between operators where ICP-ANACOM has been called on to intervene is important information, and its insertion responds to previous comments. However, the existence of disputes carried over from one year to another calls for an explanation, contributing to increased predictability and confidence among participants in the mechanisms of dispute resolution.

At an operational level, the comprehensive approach taken by ICP-ANACOM in addressing regulated issues with respect to operators resulted, in 2011, in a workshop as part of the process of defining the mobile termination cost model; such an approach strengthens the coherence and consistency of regulatory activity.

This type of interaction provides a better understanding of the reality of the sector and its constraints and leads to regulation that is better targeted at resolving the specific needs of the Portuguese market; such needs differentiate the Portuguese market from the reality of other Member States, whereby it is inappropriate to apply measures which may suit other markets.

The correlation of the regulator's activity with the results achieved, particularly in the regulation of determined markets that are specifically referred to, will contribute to a better understanding of the market and of regulation. Correlation between the major guidelines of the Management Plan and accomplished regulatory action leads to a similar appreciation.

## II

### In specific terms

1. In the Regulation Report, ICP-ANACOM reports an achievement rate of 74% in terms of strategic actions accomplished in 2010. While it is an appreciable achievement rate, even in global terms, it is possible and desirable to increase this rapidly.

To this purpose, the Advisory Council recommends that ICP-ANACOM pay close attention to the need to conclude certain actions which have already been subject to delay, such as:

- Definition of spectrum management policy in respect of the transferability of rights of use of spectrum;
  - Approval of the numbering regulation;
  - Review of relevant markets in the light of the European Union's regulatory framework;
  - Regulatory framework applicable to NGN, laid down in Council Resolution in 2008, which defined NGN as a strategic priority and whose urgency was recommended by the European Commission (EC) and by the EC Commissioner responsible for the digital agenda.
2. The Advisory Council recommends that the analyses of the market's evolution be conducted based on comparable universes, requiring a disaggregation by service and operator, and only then, by supporting technology.

Advisory Council, 7 October 2011.