

● Advisory Council

I In general terms

Conceptually, the Activities Report of ICP-ANACOM is, and so it has been viewed and executed, the organised and detailed description of all actions or omissions comprising the exercise of the regulation of electronic communications and postal services during a year.

It should be noted, from the outset, that the document presented, with respect to the period of time to which it refers, provides an appropriate view of the work undertaken by ICP-ANACOM, embodying in an integrated, objective and comprehensive manner all measures and actions undertaken during the year 2008. The cited report thereby respects the purpose demanded of it: to outline all that is prepared, decided and executed by the Regulator in all the various areas in which it undertakes its mission, and when, where and how.

It is suggested however that in terms of subject matter, parameters or elements of articulation should be defined between the Activities Report and the Activities Plan or Management Plan to provide, each year, an integrated and systematic vision of regulatory progress and, as such, a coherent assessment may be made of the degree to which the objectives, programmes and actions are fulfilled.

II In specific terms

After the detailed examination of the Activities Report, the Advisory Board considers that there are some gaps, whereby it recommends that these are addressed in future reports:

1. The absence of any reference to hearings and works jointly undertaken with the regulated entities, providers of communications services and networks, as well as the non-inclusion of initiatives of the Regulator which have had the objective of improving the effectiveness of regulation, with regard to reducing the response time and seeking consensual solutions for better functioning of the market. No information is presented therefore on the number of requests presented by operators, nor as a consequence, their classification by regulated sector/service/market and the respective response times of ICP-ANACOM, or of requests with responses pending and the annual evolution thereof; however with respect to other areas, information is found of the type whose absence is noted above, particularly in the cases of monitoring and control of the spectrum and international cooperation.
2. No identification is made of the areas of regulation with respect to the supervision actions or their consequences: conformities or nonconformities, applied fines with respect to each action and the respective values, which information is useful for reasons of transparency and its recognized deterrent effect.
3. The Advisory Board recommends that in future activity reports, a chapter should be added on resource allocation in order to facilitate a full and reasoned assessment of the costs of regulation.
4. It is also recommended that a detailed reference be included to the degree of compliance with global activity indicators.