

DETERMINATION

Whereas:

- a) Regulation no. 560-A/2011 of 19 October, providing for the allocation of rights of use of frequencies in the 450 MHz, 800 MHz, 900 MHz, 1800 MHz, 2.1 GHz and 2.6 GHz bands (hereinafter “the Regulation”) entered into force on 20 October 2011, whereby the period allowed for the submission of applications, as stipulated in paragraph 5 of article 12 thereof, has already commenced and is due to elapse on 8 November.
- b) Under the terms of measure 5.19 of the Memorandum of Understanding agreed between the Portuguese Government and the European Commission, the European Central Bank and the International Monetary Fund on 17 May 2011, in the revised version of 1 September, it was undertaken that “the Government will review the current value of the fees on the use of frequencies to ensure that they are objectively justified, transparent, non-discriminatory and proportionate in relation to their intended purpose”, and that “such review will be announced in the auction tender”;
- c) The level of fees for the use of frequencies is an important premise supporting any decision to present an application to this auction, and their respective payment constitutes a condition to which, under the terms of point iii) of point g) of paragraph 2 of article 33 of the Regulation, the holders of rights of use of frequencies, as are allocated in this context, will be subject.
- d) The review of the fees referred to above is an unknown to the potential applicants to the auction.
- e) The imperative of public interest also underlies the establishment of the time limits applicable under the present auction process, insofar as to allow the allocation of revenues to have effect in 2011, thereby ensuring compliance with budget deficit targets, which demands that any exceptional alteration in the time-limits of the procedure are limited as far as possible so as not to jeopardise this objective;

The Management Board of ICP – Autoridade Nacional de Comunicações (ICP-ANACOM), pursuant to the provisions of point d) of paragraph 4 of the Regulation, hereby determines:

- 1. To extend the deadline stipulated in paragraph 5 of article 12 of the Regulation by a period of three business days, whereby it now terminates on 11 November 2011.
- 2. To clarify that the period stipulated in paragraph 1 of article 14 of the Regulation is counted from the end of the period as extended under the terms of Point 1.
- 3. To order publication of the extension of the deadline stipulated in paragraph 5 of article 12 of the Regulation, as determined under Point 1, on the website of ICP-ANACOM and by giving notice in Diário da República (Official Gazette).