

INTRODUCTION OF MOBILE COMMUNICATION SERVICES ON BOARD VESSELS (MCV SERVICES)

Final Decision

By determination of 1 July 2010, approval was granted to a draft decision on the introduction of mobile communication services on board vessels (MCV services).

This determination was submitted to the general consultation procedure, whereby interested parties are given a period of 20 working days to submit comments.

Following the conclusion of the general consultation procedure, all the contributions received were analysed and a report was elaborated which includes the assessment of the issues raised by the interested parties. The analysis of the issues presented is included, as mentioned, in the annexed Report and constitutes the grounds for the present deliberation.

In light of the conclusions presented, the Board of Directors of ICP-ANACOM, within the scope of the powers provided for in subsections c), f) and m) of article 6 of its Statutes, approved by Decree-Law no. 309/2001, of 7 December, to pursue regulatory objectives provided for in article 5 of Law no. 5/2004, of 10 February, namely subsection a) of no. 1 and under articles 8, 15, 16 and 27 of said Law and in accordance with the provisions of subsection a) of no. 1 of article 9 of Decree-Law no. 151-A/2000, of 20 July, as amended by Decree-Law no. 264/2009, of 28 September, hereby determines:

- 1. To amend the provisions of the National Frequency Allocation Plan in order to include the usage of the 880-915/925-960 MHz and 1710-1785/1805-1880 MHz frequency bands for MCV services when in the territorial sea, between two and twelve nautical miles from the baseline.**

- 2. To authorise the operation of MCV systems in the 880-915/925-960 MHz and 1710-1785/1805-1880 MHz frequency bands, subject to the general authorisation regime, in conformity with the provisions of Law no. 5/2004, of 10 February (ECL);**
- 3. To make providers of MCV services subject to compliance with the conditions provided for in no. 1 of article 27 of the ECL:**
 - a) To guarantee equitable user access to the service offered;**
 - b) To ensure network security against unauthorised access, in accordance with Law no. 41/2004, of 18 August;**
 - c) To ensure personal data and privacy protection with specific respect to electronic communications, in conformity with Law no. 41/2004, of 18 August;**
 - d) To guarantee the provision of legal interception systems to the competent national authorities;**
 - e) To supply decryption or decoding means where these facilities are present to the competent national authorities, in accordance with legislation governing personal data and privacy protection within the scope of electronic communications;**
 - f) To comply with technical standards, laid down in the annex to Decision 2010/166/EU, of 19 March 2010;**
 - g) To provide the service in compliance with all maritime safety requirements, in accordance with the certification issued, or recognised, by the competent maritime authority;**
 - h) To supply ICP-ANACOM with relevant data with regard to vessels registered in Portugal and in which the MCV system is operational;**
 - i) To use equipment according to Decree-Law no. 192/2000, of 18 August;**

- j) To pay applicable fees, namely an annual fee for the pursuit of the activity of electronic communication services provider, in compliance with article 105 of Law no. 5/2004, of 10 February and for the amount specified by order of the member of Government responsible for the communications area;**
 - k) To provide ICP-ANACOM with the information requested within the scope of no. 1 of article 108 of Law no. 5/2004, of 10 February and for the purpose of article 109 thereof.**
- 4. To dispense from radioelectric licensing the radiocommunication networks, which consist of associated base stations and mobile stations that ensure MCV services on board vessels, without prejudice to the licensing act of the competent maritime authority.**
- 5. To exempt MCV service operators from spectrum usage fees for the use of frequencies.**

Lisbon, 6 January 2011.