

**Decision on the objectives for postal network density and minimum services  
provided, submitted by CTT**

Pursuant to clause 15 of the Universal Postal Service Concession Contract (hereinafter Concession Contract), the bases of which were approved by Decree-Law No. 448/99, of November 4, as amended by Decree-Law No. 116/2003, of 12 June, Decree-Law No. 112/2006, of 9 June and Decree-Law No. 160/2013, of 19 November, the Board of Directors of Autoridade Nacional de Comunicações (ANACOM), by determination of 15.09.2017, set out the objectives for postal network density and minimum services to be provided by CTT - Correios de Portugal, S.A. (CTT) from 01.10.2017 to 30.09.2020<sup>1</sup>.

This decision, later supplemented by the decision of ANACOM's Board of Directors of 21.08.2019<sup>2</sup>, approved:

- a) The density of postal establishments and other points of access to the postal network (collection and delivery boxes);
- b) Minimum services to be provided, including rules on minimum operating periods of postal establishments.

Under the Concession Contract, and respective Bases of Concession, the setting of objectives for postal network density and minimum services provided begins with a communication from the concessionaire to ANACOM, in compliance with paragraph 1 of clause 15 of that contract. On the basis of this communication, which the concessionaire is required to submit, ANACOM, after assessing whether the objectives presented meet the needs of users, and after hearing users, approves the objectives for the postal network density and minimum services provided, which are set for a period of three years, as laid down in paragraph 2 of clause 15 of the Concession Contract. These objectives may be reviewed prior to the expiry of each period of validity, where required by the exceptional circumstances of the case.

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<sup>1</sup> Decision available at <https://www.anacom.pt/render.jsp?contentId=1418158>.

<sup>2</sup> Decision available at <https://www.anacom.pt/render.jsp?contentId=1483036>.

On 30.09.2020, in the absence of a communication submitted pursuant to clause 15 of the Concession Contract and taking into account, in particular, that on 30.09.2020 the above-mentioned objectives for postal network density and minimum services provided, set by decision of 15.09.2017 and supplemented by decision of 21.08.2019, would expire, ANACOM, emphasising how important it is to ensure that, as from 01.10.2020 and for as long as the concession remains in force, objectives for postal network density and minimum services provided exist and are met,

- a) urged CTT to submit a proposal regarding objectives for postal network density and minimum services provided;
- b) ordered compliance by the universal postal service concessionaire, from 01.10.2020 and until objectives for postal network density and minimum services provided are approved, as provided for in clause 15 of the Concession Contract and Basis XV of the Bases of Concession, with objectives and minimum offers established by the above-mentioned decision of 15.09.2017, supplemented by decision of 21.08.2019<sup>3</sup>.

In response to this communication, CTT, by letter No. 51095 of 23.10.2020, received at ANACOM on 26.10.2020, informed ANACOM that, for the period from 01.10.2020 to 31.12.2020, inclusive, the objectives regarding density for postal establishments and other points of access to the postal network covered by the concession, as well as minimum services provided, including rules on minimum operating periods of postal establishments, should correspond to those set out in the decision of 15.09.2017, supplemented by the decision of 21.08.2019.

CTT substantiate this proposal on the fact that the Concession Contract is about to expire, thus the amendment of the density and minimum services objectives, only for a three-month period, does not appear to be justified, especially given that, from the company's point of view, these objectives guarantee overcompliance with standards imposed, in this regard, by the Postal Law (Law No. 17/2012, of April 26, as amended) and the Concession Contract.

In view of the above and whereas:

- a) The objectives for postal network density and minimum services provided, submitted by CTT on 23.10.2020, for the period up to and including 31.12.2020, correspond to

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<sup>3</sup> Decision available at <https://www.anacom.pt/render.jsp?contentId=1565123>.

those set by decision of 15.09.2017, supplemented by decision of 21.08.2019, thus coinciding with those determined in the interim measure approved by ANACOM's decision of 30.09.2020, to take effect from 01.10.2020 and until objectives for postal network density and minimum services provided, pursuant to clause 15 of the Concession Contract and Basis XV of the Bases of Concession, are approved;

- b) Under clause 6 of the Concession Contract (Basis VI), the concession contract is valid until 31.12.2020,

ANACOM believes that the objectives of postal network density and minimum services provided submitted by CTT meet user needs.

According to paragraph 7 of clause 15 of the Concession Contract, as well as paragraph 7 of Basis XV of the Bases of Concession, where ANACOM takes the view that objectives and rules presented by the concessionaire meet the needs of users, it must issue a decision approving the referred objectives, having heard users, within 50 working days.

Considering:

- a) the above framework;
- b) that, by decision of ANACOM of 19.11.2020, users were consulted, in accordance with paragraph 7 of clause 15 of the Concession Contract, as to the draft decision on the objectives for postal network density and minimum services provided, submitted by CTT to run until 31. 12.2020, inclusive, contributions received and ANACOM's understanding thereon being included in the "Report on the consultation of users regarding the draft decision on objectives for postal network density and minimum services provided, submitted by CTT", which forms an integral part of this decision;

ANACOM's Board of Directors, carrying out the tasks provided for in paragraph 1 b), h) and i) of article 8 of its Statutes, approved by Decree-Law No. 39/2015, of 16 March, in the exercise of powers provided for in paragraph 1 a), f) and o) and paragraph 2 b), both of article 9 of the same Statutes, in pursuit of and in compliance with objectives and principles laid down in paragraph 1 b) and c) and paragraph 2 a) to d), both of Article 2 of Law No. 17/2012 of 26 April (as amended), and bearing in mind paragraph 7 of clause 15 of the universal postal service concession contract, the Bases of which were approved by Decree-

Law no. 448/99, of 4 November, hereby determines, under paragraph 1q) of Article 26 of Statutes, as follows:

1. To approve the “Report on the consultation of users regarding the draft decision on objectives for postal network density and minimum services provided, submitted by CTT”;
2. To approve the objectives for postal network density and minimum services provided, submitted by CTT for the period up to and including 31.12.2020, which correspond to those set by ANACOM’s decision of 15.09.2017, supplemented by decision of 21.08.2019.

Lisbon, 17 December 2020.