

OTHER ACTIVITIES

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This section of the report covers measures associated with objectives 4 (to participate in the development of the EU internal market, improving the internal performance) and 5 (to promote institutional and technical cooperation), as well as activities undertaken to support the positions of ICP-ANACOM in the scope of administrative litigation, provision of advice to the Government and communication and image.

8. To participate in the development of the EU internal market, improving the internal performance (Objective 4)

This section of the report outlines the actions undertaken by ICP-ANACOM in representation of the Portuguese State at international meetings and organizations, as well as in the technical representation provided by this Authority, in the exercise of its duties and responsibilities, in the various *fora* of the European Union and at international organizations.

This objective is key among ICP-ANACOM's activities, with the areas related to external relations, regulation, spectrum management, communications security and enforcement participating in over 300 international meetings during 2010, involving some 400 participants from this Authority and totalling over 1,000 days.

In representation of the Portuguese State, ICP-ANACOM was particularly involved in the meetings of the EU (the Council and EC), which made up around one quarter of all the meetings in which it participated, and also took part in the meetings of the International Telecommunication Union (ITU), comprising about 7 percent of all international meetings.

In terms of technical representation, meetings of the European Conference of Postal and Telecommunications Administrations (CEPT) made up about one quarter of all international meetings with meetings of BEREC making up around 13 percent.

8.1. Representation of the Portuguese State

8.1.1. European Union (EU)

It is a statutorily enshrined function of ICP-ANACOM to provide advice and assistance to the Government. Internationally this is accomplished through representation and monitoring of the committees working under the regulatory framework dedicated to electronic communications and to postal matters, as well as in an advisory capacity at meetings and in the preparation of opinions on topics discussed in Council working groups in COREPER, the Council of Ministers and other cross-Community bodies focused on regulation.

8.1.1.1. Council of Transport, Telecommunications and Energy (TTE)

Assisting the Government, in particular, the Ministry of Public Works, Transport and Communications and the permanent national representatives (REPER) to the EU, ICP-ANACOM participated in the postal and telecommunications group, issuing opinions and proposals and through its involvement in negotiations.

ICP-ANACOM also provided the Government with support in negotiations at COREPER and at the TTE Council held in May and December 2010 in Brussels. In this context, note is made of the following matters:

- **Review of the scope of the universal service**

In March, the Commission launched a consultation on the future of universal service in the digital era, in order to compile opinions, specifically, regarding the basic concept of universal service, availability of broadband, national flexibility and a coordinated EU approach and financing - Portugal was among the respondents to the consultation. The Commission presented the preliminary results of the public consultation to the Council in May 2010.

- **Digital Agenda**

Pursuant to the Communication "Europe 2020", in May the Commission adopted the Communication "Digital Agenda for Europe", which outlines seven priority areas for action: creating a vibrant digital Single Market, greater interoperability, ensuring trust and security, much faster internet access, more investment in research and innovation, enhancing digital literacy, skills and inclusion, and applying information and communications technologies to address challenges facing society such as climate change and ageing populations. In these seven areas, the EC sets out one hundred measures, including thirty-one legislative measures. The communication was examined by the Council in May and approved by the European Council in June.

- **European Broadband Strategy**

In September 2010, the Commission adopted three additional measures to drive deployment and take-up of fast and ultra-fast broadband in the EU. The package consists of a Recommendation on regulated access to NGA, a communication on broadband, which suggests ways of encouraging public and private investment in high-speed and ultra high-speed networks and a draft decision proposing the first Radio Spectrum Policy Programme (RSPP). The Communication on broadband was put before the Council in May.

- **First Radio Spectrum Policy Programme (RSPP)**

In September 2010, the Commission presented a draft decision to establish the first RSPP, seeking to establish a five-year policy programme to promote efficient use and management of spectrum and, in particular, ensure sufficient availability of spectrum for wireless broadband by 2012; the draft decision also addressed other areas of EU policy, such as research and development, transport and energy.

The proposal was discussed within the telecommunications and information society group of the Council (Council GT) during the Belgian Presidency, which presented a progress report to the Council in December.

On 25 October 2010, a letter was sent to the responsible Ministry setting out ICP-ANACOM's position on the RSPP and seeking to contribute to the national position to be adopted by the Portuguese Government.

- **European Network and Information Security Agency (ENISA)**

In September 2010, the Commission presented a draft regulation on ENISA, to replace Regulation (EC) no. 460/2004, reformulating the rules governing the Agency and instituting it for a period of five years. At the same time, the Commission proposed a regulation extending the Agency's current mandate for a period of 18 months, given the risk that a legal vacuum might ensue if the new term was not adopted before the end of the current term. Both proposals were discussed in the Council WG during the Belgian Presidency, which presented a progress report to the Council in December.

- **International roaming**

In June, the Commission presented its interim report on the development of roaming in the EU, in accordance with the provisions of Regulation (EC) No 544/2009.

8.1.1.2. Committees and Groups of the European Commission

Pursuant to its responsibilities, ICP-ANACOM participated actively in the activities of comitology bodies provided for in the community framework, particularly in the following instances more focused on the implementation of EU policies and on regulation of the markets and the radio spectrum: Communications Committee (COCOM), the Radio Spectrum Committee (RSC) and the Postal Directive Committee.

- **Communications Committee (COCOM)**

In 2010, ICP-ANACOM participated in all the meetings of the Communications Committee, which, in the period being reported, gave a (favourable) position on the draft Commission Recommendation on regulated access to NGA and published guidelines on the transposition of the new regulatory framework.

As in previous years, the report on European Union broadband data was published (data corresponding to 1 January, annual report, and 1 July, half-yearly report).

ICP-ANACOM participated in the consultation procedure on the proposed EC Recommendation on MCV services, in phase II of article 7 on two cases of notification of Poland and contributed to the drafting of the annual report on the implementation of the European 112 emergency number and to the response given to the respective questionnaire (through the processing of information collected from operators and entities responsible for emergency services) in the report on the implementation of 116.

Furthermore, ICP-ANACOM participated in the meetings of various sub-groups of COCOM: Authorisations; Selection of Mobile Satellite Service (MSS) systems at 2 GHz; Radio broadcasting systems; Users with special needs; Compilation of market data on broadband; Emergency access (EGEA - Expert Group on Emergency Access), which focuses in particular on issues related to improving the localisation of mobile calls and on the application of new technologies in emergency communications to provide an effective and efficient service to citizens. ICP-ANACOM also participated in the *ad hoc* meeting on 116.

- **Radio Spectrum Committee (RSC)**

The RSC continued its activity in 2010, and was involved in the approval processes of the EC following decisions:

- Decision 2010/368/EU of 30 June 2010 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices
- Decision 2010/267/EU of 6 May 2010 on harmonised technical conditions of use in the 790-862 MHz frequency band for terrestrial systems capable of providing electronic communications services in the European Union;
- Decision 2010/166/EC of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union;

Two public consultations were launched during 2010: (i) public consultation of 4 March 2010 on the preparation of the Radio Spectrum Policy Programme; and (ii) public

consultation of 14 December 2010 on a draft amendment to Commission Decision 2005/050/EC on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar (SRR) equipment in the Community.

Key among ongoing work is the draft amendment of Decision 2009/766/EC with respect to the 900/1800 MHz band. The amendments envisaged for this EC decision will ensure compliance with the provisions of the modified GSM Directive, allowing both Long Term Evolution (LTE) and WiMAX technologies. The amendments will only affect the annex to the decision.

- **Telecommunications Conformity Assessment and Market Surveillance Committee (TCAM)**

ICP-ANACOM has participated in TCAM meetings since the beginning of 2010, with a focus on the exhaustive analysis work and submission of comments on the proposed revision of the R&TTE Directive, with publication due in 2011.

ICP-ANACOM also participated in the R&TTE Administrative Co-operation Working Group, whose works have focused on R&TTE surveillance activities, revision of the R&TTE Directive and the new legal framework, in the context of the CE marking requirements, most notably the various European surveillance campaigns, in which ICP-ANACOM has participated.

- **Postal Directive Committee**

ICP-ANACOM participated in the meeting of the Postal Directive Committee focused on the presentation of international developments in the postal services sector, on the application of value added tax (VAT) and the presentation of activities undertaken in the context of the European Regulators Group for Postal Services (ERGP).

In 2010, ICP-ANACOM participated in two meetings of the working group established by the Postal Directive Committee in April 2008 to monitor issues related to the transposition of the Postal Directive 2008/06/EC of 20 February 2008. The following issues were discussed at these meetings: creation of the ERGP, international mail (quality, terminal

dues and electronic commerce) and the intangible benefits associated with universal service provision.

ICP-ANACOM also participated in the second high-level EC conference on postal services, held in April 2010 and in various cooperation conferences/seminars between national regulatory authorities and the EC, especially the EU-Indonesian seminar on postal reform and express delivery services held in October 2010. Issues covered included the transposition of the postal directive in Portugal and the adaptation of the market and of the postal operator to the new challenges of liberalization.

- **The Working Group on Electromagnetic Compatibility (EMC)**

Pursuant to Directive 2004/108/EC, this group continued to explore issues involving power line communication (PLC) technology, considering that, in general, all Member States have reported complaints by radio amateurs. It should be noted that, according to the EC, almost all complaints have been resolved in accordance with the ex-post intervention, following the principle of Recommendation 2005/292/EC.

- **European Commission Association of Notified Bodies (ECANB)**

With a similar mission in terms of the EMC Directive, during 2010, ICP-ANACOM followed the meetings of ECANB, pursuant to Directive 2004/108/EC, comprising regulatory authorities, laboratories and EC representatives. ECANB provides for the exchange of information related to aspects of uniform compliance in Europe with the requirements of the directive, as well as the development of guides for the interpretation of the harmonized standards.

- **Radio Spectrum Policy Group (RSPG)**

The Decision which established the RSPG (Decision 2002/622/EC) was amended by Decision 2009/978/EC of 16 December 2009, fully enshrining the consultative functions of this group, before the EC, in the preparation of draft spectrum programmes.

The activities of this group in 2010 included:

- The adoption of an opinion on the EU Radio Spectrum Policy Programme for 2011-2015. This opinion is based on three pillars: contribute to the EU2020 vision (strategy defined in the European agenda until 2020), improve governance of the spectrum in the EU and strengthen the EU's role in the different international *fora* on spectrum issues;
- Approval of the draft report on Frequency Coordination and Other Issues Concerning the Digital Dividend. This report looks at the best practices of spectrum use, as a way to achieve the broadband targets set out in the Digital Agenda for Europe. Emphasis was put on improving understanding of the problems arising from cross-border frequency coordination with third countries, with the aim of increasing prospects for use of the entire digital dividend spectrum in the 800 MHz band in Member States. The report highlights the value of sharing best practices between Member States and suggests a role for the RSPG in providing expert advice with respect to the challenges of coordination and a role for the Commission in supporting implementation of the digital dividend;
- Development of the opinion on cognitive technologies, focusing on a generic approach to implementing cognitive technologies based on three approaches (detection, cognitive pilot channels and databases), to reflect technological developments. Although the draft opinion considers that the current regulatory framework already allows implementation of a significant amount of existing or planned cognitive technologies, the opinion also recommended that further work be carried out in several areas, such as on a coordinated approach to access to geo-location databases and on the creation of a platform where researchers and regulators can cooperate;
- The development of the policy opinion on common objectives for WRC-12, which addresses the relevant items of the agenda and provides detailed elements of the common objectives of European policy, referring to three areas that should benefit from cooperation at EU level, including international aspects of the implementation of the digital dividend, the requirements for a European satellite policy and an item

for the future agenda of WRC-16 related to the supply of broadband communications.

The following remained under public consultation during 2010: (i) RSPG 2011 work programme; (ii) draft opinion on cognitive technologies; and (iii) draft report on the future of broadcasting in Europe.

- **Group of Experts on Electronic Commerce**

ICP-ANACOM monitors the work of the Group of Experts on Electronic Commerce, chaired by the EC, which had only one meeting in September 2010. The topics covered included the presentation of the main developments that have taken place in relation to the Electronic Commerce Directive, with emphasis on the public consultation launched in August on the future of electronic commerce, in which ICP-ANACOM also participated.

- **Expert Group on Consumer Complaints**

In 2010, ICP-ANACOM continued participation in the Expert Group on Consumer Complaints, which, since early 2009, has been advising the Commission in the context of formulating and proposing the adoption, at European level, of a harmonized methodology for classifying and reporting consumer complaints. It should be noted that in May 2010, the EC published a Recommendation on the harmonized use of this methodology, with efforts underway since then, in cooperation with the competent national authorities, to accomplish the effective implementation of the methodology in the EU and EEA.

- **Expert Group on Conditional Access**

Established by the EC under Directive 98/84/EC on the legal protection of services based on, or consisting of, conditional access, and under Article 3 of the Treaty establishing the European Community on the abolition, as between Member States, of obstacles to the free movement of goods, persons, services and capital, this group has three main objectives: (i) cooperation between Member States on matters relating to the implementation and the practical application of the Directive; (ii) to monitor the development of policies and emerging issues in the area of conditional access, such as

new forms of piracy and new distribution platform; (iii) to ensure the exchange of experience and good practice in the area of conditional access.

In 2010, some Member States within this group reported on the main forms of piracy in the internal market and on the ratification of Convention No. 178 on Conditional Access, accompanied by studies on the "Grey Market" and subsequent assessment of its economic potential in each Member State.

- **Technical Assistance Information Exchange Office (TAIEX)**

ICP-ANACOM TOOK part in the EU's *Technical Assistance Information Exchange Office* (TAIEX) programme, comprising the following actions in 2010:

- Study visit of the Turkish delegation on access to ducts, held in Lisbon in July 2010 and attended by a delegation from the Turkish regulator (ICTA), in order to share in-depth knowledge about the reality of access to ducts in Portugal;
- Workshop on the European experience of regulation in the postal communications sector, held in Armenia in October. Key among the issues addressed at the workshop was the role of European regulatory authorities, the regulatory principles of the Postal Directive and the price regulation systems;
- Study visit to Lisbon by a delegation from the Croatian regulator (HAKOM) in October 2010 with the aim of providing information on the Implementation of the Postal Directives in Portugal.

8.1.2. International Telecommunication Union (ITU)

8.1.2.1. Plenipotentiary Conference

ICP-ANACOM represented the Portuguese administration at the ITU Plenipotentiary Conference (PP-10), the governing body of this international organization, which met in October in Guadalajara (Mexico).

The decisions taken were compiled in the Final Acts and relate to financial and management matters, the structure and functioning of the Union, public policy issues and other general matters.

The Conference decided to maintain the value of the contribution unit at 318 thousand Swiss francs, and approved the Union's 2012-2015 financial plan along with the strategic plan containing the mission and objectives of the General Secretariat and each of the organisation's Sectors.

The results of PP-10 include the adoption of new resolutions on issues related to Internet and cyber-security, as well as the creation of an independent committee advising on management, with expertise in internal auditing, risk management, accounting and external auditing.

Some resolutions were adopted with possible regulatory impact, including:

- Resolution 171, which formalizes the preparation of the World Conference on International Telecommunications which is scheduled for 2012 and which is responsible for reviewing the text of the International Telecommunication Regulation;
- Resolution 175, which calls for development of mechanisms to promote accessibility for people with disabilities;
- Resolution 177, on the adoption of conformity assessment procedures with a view to increasing quality of service and a greater likelihood of interoperability of equipment, services and systems;
- Resolution 180, whose adoption at this Conference which may be impactful at a regulatory level, given that it calls on Member States to take measures to facilitate the transition from IPv4 to IPv6;
- Resolution 183, which calls on Member States to consider the development of legislation, regulations, standards and guidelines to promote the development and application of online health products and services (e-health).

It is also important to note, the new resolution that allows the participation of educational and research institutions in the ITU's work, with the payment of a lower contribution, 1/16 of the value required of Union sector members.

During this Conference, the ITU's management body was elected, along with members of the Radio Regulations Board and the Council. In the context of these elections, ICP-ANACOM presented its candidature to the ITU Council after developing work to promote its position. Despite all this work, Portugal was not elected to this body.

Finally, ICP-ANACOM participated in the 10th edition of the Global Symposium for Regulators (GSR) on "Enabling Tomorrow's Digital World " and addressing the challenges which regulators face in stimulating the deployment of broadband through flexible regulation and innovative tools, approving a set of best practices which identify guidelines to assist regulators in promoting open access to networks, services, applications and content of information and communication technologies (ICT).

8.1.2.2. Council

The Council met in 2010 in order to prepare the PP-10 and discussed the proposals of the strategic plan and 2010-2015 financial plan, as well as outstanding issues related to the structure and functioning of an audit committee.

Developments were also presented with respect to the ITU's Conformance and Interoperability Programme as well as the importance of restructuring the Telecom events model, based on the shift in the focus from exhibition to forum and the need to prepare a model host-country agreement between the ITU and the countries hosting Telecom events. Consideration was also given to Secretariat's study on the financial impact of providing free online access to the basic texts of the ITU and to the Recommendations of the ITU Radiocommunication Sector.

8.1.2.3. Council Working Groups

The various Council working groups focused on concluding the subjects under examination in order to report to Council, with a view to preparing the PP-10.

8.1.3. Universal Postal Union (UPU)

ICP-ANACOM participated in several meetings of the UPU, particularly in its Boards, Forum and Strategy Conference.

- **Council of Administration and Postal Operations Council**

Along with representatives of CTT, ICP-ANACOM took part in the works of the groups, committees and plenary sessions of the Council of Administration (CA) and Postal Operations Council (POC).

Of particular interest in the 2010 session of the COP was the Electronic Services Group (ESG) of Committee 4 (C4), which developed the domain management policy (DMP) for the .post domain, a project which the UPU has been developing with ICANN with a view to creating an Internet domain for the postal community. As a result of ICP-ANACOM's intervention, the COP has amended the draft resolution, expressly granting the Council of Administration powers to approve the DMP of the new Internet domain to be managed by the UPU.

In the CA's session, this Authority also participated actively in relation to the *.post project*, as a result of its coordinating role at the level of the European Committee for Postal Regulation (CERP), with a proposal presented addressing the creation of a mixed CA/COP group for issues of governance with respect to the *.post Internet domain*, involving the CA to a greater extent in the definition of basic policies related to the *.post*, accepted.

Meanwhile work also advanced on the review of the UPU Acts and the presentation of the results of the survey on the reform of the Union, giving basis to the study on the impact of opening the UPU up to new participants of the postal sector at the level of its mission and activities. The themes covered also related to the UPU's relations with other United Nations agencies and other international organizations.

In the area of finance, the CA approved the budget for 2011 and revised the amount of the contribution unit.

- **Second Postal Regulation Forum**

ICP-ANACOM participated in the second Postal Regulation Forum organized by the UPU, which brought together regulatory authorities and other entities in the postal sector and focused on the theme "The role of regulation in an era of *e-substitution* and liberalization".

- **Nairobi Strategy Conference**

ICP-ANACOM was present at the Strategic Conference (half cycle), held in Nairobi in September 2010, to provide half-way point evaluation of the World Postal Strategy defined by the UPU for the 2009-2012 four-year period. The main topics discussed related to the response of the UPU and the postal community to the current economic crisis, to changes in technology and environment and the respective impact on the postal services market, as well as the maintenance of the importance of these services for customers, their diversification and sustainable development. Discussions also took place on the implementation of the strategy at regional level.

8.1.4. UPAEP - União Postal das Américas, Espanha e Portugal (Postal Union of the Americas, Spain and Portugal)

ICP-ANACOM participated in the 2010 session of the Consultative and Executive Council (CEC) and in the meetings of the working groups, the Fórum de Regulação Postal (Postal Regulation Forum), as well as the meeting on operational aspects that preceded the CEC in March

The works of the regulation forum focused on the importance of training human resources, highlighting the availability of the UPU "*Trainpost*" tool, whereas the works of the meeting on operational aspects focused on the management of complaints and the regional development plan (RDP) in the UPAEP region.

The 2010 session of the Council reviewed the results of the 21st UPAEP Congress and approved the 2011 budget.

8.1.5. Organisation for Economic Cooperation and Development (OECD)

8.1.5.1. Committee for Information, Computer and Communications Policy (ICCP)

ICP-ANACOM was represented at meetings of the ICCP, whose work was centred on the Seoul declaration, including the development of a questionnaire for its review, the development of the "Forging partnerships for advancing policy objectives for the Internet economy" project, which gave special emphasis to the role of Internet intermediaries, and the decision to hold a high-level meeting on the Internet economy in June 2011. Additionally, particular attention was focused on topics such as cloud computing, the OECD strategy for innovation, as well as data protection and privacy.

Approval was also given to the 2011-2012 work programme and budget and new procedures were adopted for the election of the *Bureaux* (Consisting of the president and vice presidents of the respective body) and the flexibility of working methods.

In the context of the OECD, ICP-ANACOM prepared a document setting out Portugal's approach to "Next Generation Access Networks and Market Structure", which was presented at a high-level OECD meeting on broadband, held in September 2010. This paper focused on market results, wholesale access solutions, investment and innovation incentives, costs and benefits at a social level and for operators and on regulatory challenges.

8.1.5.2. ICCP Working Parties

- **Working Party on Communication and Infrastructures and Services Policy (WPCISP)**

This Authority participated in the meetings of this working party with discussions taking place on various documents, including: Broadband bundling: trends and policy implications, mobile communication developments in the OECD area, Mobile broadband questionnaire; Communications Outlook 2011, Broadband network development and market structure, National Broadband Plans, A new broadband and Internet Economy metrics checklist, International mobile roaming services: next steps and recommendations; Fiber Access Network Developments in the OECD area.

- **Working Party on Information Security and Privacy (WPISP)**

In 2010, the WPISP focused on aspects associated with: (i) the Russian Federation's accession to the OECD Convention; (ii) security; (iii) digital identity authentication and management; (iv) horizontal coordination in the context of the OECD; (v) protection of children online; and (vi) privacy.

Meanwhile, a working party was constituted to plan the work to be developed for the comparison of national cyber-security strategies. The party's subsequent activity will take place during 2011, following the proposal made by Portugal, which is placed in charge of its coordination together with the United Kingdom.

ICP-ANACOM also took part in this Working Party, and the Portuguese representative was re-elected to one of the vice-presidencies.

8.1.6. European Telecommunications Satellite Organization (EUTELSAT IGO)

ICP-ANACOM provides national representation in the EUTELSAT IGO Assembly of Parties (AP) and in the Advisory Committee (AC), a support body of the organization's executive structure, consisting of the Secretariat and the Executive Secretary (ES).

Eutelsat held its assembly in 2010, whereby ICP-ANACOM's activity in this organization focused on monitoring the work of the AC, particularly the monitoring of compliance by the operator Eutelsat with the basic principles set forth by the IGO and its obligations in terms of universal service. Another issue receiving close attention was the allegedly deliberate interference originating from Iranian territory and affecting the radio and television broadcasts transmitted by Eutelsat's satellite; this matter was brought before the ITU in a concerted action of about 30 Member States of EUTELSAT IGO, Portugal among them.

8.1.7. International Telecommunications Satellite Organization (ITSO)

ICP-ANACOM provides national representation in the Assembly of Parties (AP) and also acted as an observer in the organization's Advisory Committee (AC). The AP approved the ITSO's strategic plan until 2013, when discussion will take place on the continuation or otherwise of the organization, leading to a Roadmap on the Future of the ITSO Agreement

(approved at AC level). The AP took note of the report made by the Director General (DG), according to which, in the period 2008-10, the private operator Intelsat fulfilled its public service obligations, offering non-discriminatory access and satellite coverage to the three oceanic regions, whereby any country or territory could connect to any other country or territory, and fulfilling their obligations to safeguard LCO ("Lifeline Connectivity Obligations") prices. The DG will continue to work with Intelsat to renegotiate a new business model for LCO contracts, known as the "Special Renewal Program". The AP agreed to the DG's proposal to establish a reserve fund for "capacity building" actions in Satellite communications, in cooperation with the ITU Centres of Excellence and other international organizations in the sector, an initiative that began in the second half of 2010.

8.1.8. International Mobile Satellite Organization (IMSO)

ICP-ANACOM provides national representation at the IMSO Assembly, the highest body of this organization, and follows the work of the Consultative Committee (CC) as an observer.

In 2010, an Assembly took place, during which the current Director-General (DG) was re-elected for a second four-year term beginning in April 2011. The Assembly's work was focused on the Global Maritime Distress Safety System (GMDSS) and the Long Range Identification and Tracking of Ships (LRIT) system, with further debate taking place on the financial issues associated with these systems. The meeting saw approval of the Memorandum of Understanding (MoU) between the EC and IMSO which clarifies the role of the European Maritime Safety Agency (EMSA), based in Lisbon, as an organisation that will host and operate the LRIT system's International Data Exchange (IDE) from 2011 until 2013, after its transfer from the United States, where it is temporarily operated by the Coast Guard.

Finally, ICP-ANACOM submitted to the Government the process of approving the Amendments to the IMSO Convention adopted during the 20th Session of the IMSO Assembly, held in Malta in 2008.

8.1.9. World Trade Organization (WTO)

ICP-ANACOM monitors the affairs of the Trade Policy Committee responsible for common EU trade policy, particularly as regards the negotiation of WTO agreements.

As such, ICP-ANACOM has issued several opinions and monitored the negotiations on cooperation and free trade agreements between the EU and other countries, including the identification of opposing interests and comments on the proposals of other countries in the various agreements which have reference to the communications sector. In particular comments were made on the free trade agreements between the EU and Canada, Mercosur, Malaysia, Ukraine, Singapore, China and India.

8.2. Technical representation

8.2.1. Organizations of regulatory bodies

8.2.1.1. Body of European Regulators for Electronic Communications (BEREC)

BEREC was established by EC Regulation no. 1211/2009 of 25 November 2009 and began operating at the beginning of 2010; as such, Commission Decision no. 2002/627/EC, which created the European Regulators Group (ERG), was repealed on 1 June 2010. BEREC maintains, however, the ERG's purpose of providing an appropriate forum to foster cooperation and coordination between NRA and the EC in order to promote the development of the internal market for electronic communications, networks and services.

BEREC is comprised of 27 NRA of the EU, with the EC also able to participate, along with candidate countries and EEA countries, and Switzerland as a permanent guest. Working alongside BEREC, the Office - is a European agency headed by a Director-General and by a Management Committee, comprising the NRA of the EU and two members of the EC.

In 2010, ICP-ANACOM took part in all IRG/BEREC plenary meetings and in the preparatory meetings that preceded them, participating in the Contact Network, which is an operational intermediary group comprising representatives of each NRA.

ICP-ANACOM also presided over the End-Users Project Team (PT), focusing on the interests of users of electronic communications services in terms of making it easier to switch provider, reviewing the scope of universal service and supporting citizens with special needs. ICP-ANACOM participated in all other PT, including: implementation of the regulatory framework, termination rates, benchmarking, regulatory accounting, BEREC/RSPG cooperation, roaming, remedies, NGN, convergence and economic analysis, net neutrality and the article 7 Panel of Experts. ICP-ANACOM also participated in the *ad hoc* groups on security and access to information and in a workshop on net neutrality.

During 2010, BEREC's work focused on three main areas: harmonization, emerging challenges and changes to the regulatory framework for electronic communications, following on from the work completed by the ERG.

In the context of harmonization, BEREC approved and published the following reports on: International Roaming compliance, alternative roaming tariffs, competition in the roaming market and the future of regulation in this market, roaming data collection, mobile termination rates benchmarking (MTR), Action Plan to achieve conformity with ERG Common Position on symmetry of termination rates, international roaming benchmark data and Regulatory Accounting in Practice. It also formulated a common position on Next generation networks future charging mechanisms/long-term termination issues and the opinion on the Recommendation on regulated access to next generation access networks.

In the context of emerging challenges, BEREC approved and published reports on convergent services, bundled offers, universal service - reflections for the future, the importance of spectrum in market definitions based on the experiences of the NRA. BEREC also responded to Commission consultations on net neutrality and the universal service in electronic communications.

Finally, with regard to the amendments to the regulatory framework for electronic communications, an area that also includes the changes required for the transition from the ERG to BEREC, it approved and published the operating rules of its Board of Regulators and its Management Committee, the ERG's 2009 annual report, the report on the application of the concept of self supply in market definition and SMP assessment and a report on best practices to facilitate switching.

8.2.1.2. Independent Regulators Group (IRG)

In 2010, ICP-ANACOM took part in all plenary meetings of the IRG and in the preparatory meetings that preceded them, including the Contact Network as well as working groups that work together with BEREC.

In the context of cooperation between NRA, ICP-ANACOM took part in responding to all 116 questionnaires issued by its counterpart NRA and issued eight questionnaires itself.

8.2.1.3. European Regulators Group for Postal Services (ERGP)

The European Regulators Group for Postal Services (ERGP) was established by EC decision of 10 August 2010. Its functions are to advise and assist the EC in consolidating the internal market for postal services and in the consistent application of the EU regulatory framework in all Member States.

The first meeting of the ERGP contact network took place in November to prepare the first plenary session, which was held in December and which saw approval of the group's rules of procedure and 2011 work programme. The group agreed to address the following topics: regulatory accounting/price regulation, access regulation, cross-border issues, the net costs of universal service obligations and monitoring of market outcomes. Elections took place for the group's chair and vice-chair for 2011.

8.2.1.4. Latin-American Forum of Telecommunications Regulatory Authorities (Regutel)

Regutel is the Latin-American Forum of Telecommunications Regulatory Authorities; its mission is to exchange information on the regulatory framework of each Administration, with the intention of harmonizing rules and activities of regulatory authorities. It is similar in nature to the IRG and aims to foster cooperation and coordination in the field of telecommunications, promoting the development of the sector in Latin America.

In 2010, ICP-ANACOM participated in the IX Meeting of *Corresponsales* of RegulateI, in the IRG/RegulateI⁴⁹ and ANACOM/ANATEL seminar on US, in the high-level BEREC - RegulateI 5th International Regulation Workshop on "Infrastructure Sharing for the Deployment of ICTs", an event organised jointly by the Colombian regulator and RegulateI and in the RegulateI plenary and BEREC-RegulateI summit on "*Regulation in the era of the Internet: prices, access and transport*".

ICP-ANACOM also participated in EU-Latin American Symposium on ICT regulation.

8.2.1.5. Euro-Mediterranean network of Regulators (EMERG)

ICP-ANACOM is a founder member of the Euro-Mediterranean network of Regulators (EMERG). Established in June 2008, EMERG brings together representatives from regulators of the electronic communications sector in the Mediterranean region, including members of the IRG, North Africa and the Middle East. It is partially funded by the EU through the *NATPE III* project and has the goal of sharing experiences and achieving further consolidation and harmonization of regulatory principles.

ICP-ANACOM participated in the 2nd planning and benchmarking conference in December, which saw the presentation of work done on each NRA's current situation and set out the actions to be undertaken between 2011 and 2013.

With the *NATPE III* project, ICP-ANACOM also co-organized the workshop on NGN (New Generation Networks and their impact on markets and regulation), held in Lisbon. This event was one of a series of thematic seminars on areas of interest to Euro-Mediterranean regulators. In addition to the thematic panels, the seminar included a field visit to the ducts of a mobile communications operator, focusing in particular on the architecture of the FTTH OPT network, the procedures of the RDAO, the passage of fibre in ducts and on other issues.

⁴⁹ In the context of the IRG-RegulateI Seminar, ICP-ANACOM made two presentations on "Universal access and rural and remote regions" and "Pro-user competition".

8.2.2. Other organizations

8.2.2.1. ITU Sectors

- **Telecommunication Standardization Sector (ITU-T)**

In the context of this sector's activities, note is made of the Telecommunications Standardisation Advisory Group (TSAG) in terms of the debate on the compliance and interoperability testing programme, whose aim is the performance of tests by the ITU, under a common methodology, to ensure equipment compliance and interoperability.

The TSAG also reviewed the rules and procedures governing the ITU's collaboration with the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC).

The recommendations of the ITU-T, especially in terms of the operating conditions of services, numbering and addressing and quality of service and interoperability of networks, have a direct impact on managing Portugal's NNP - Plano nacional de numeração (National numbering plan).

- **Development Sector (ITU-D)**

The ITU's fifth World Telecommunication Development Conference (WTDC-10) adopted the Hyderabad Action Plan, which consists of a set of activities aimed at supporting developing countries in promoting the sustainable development of networks, services and information and communication technologies (ICT). This plan consists of five programmes: (i) Information and communication infrastructure and technology development; (ii) Cybersecurity, ICT applications and IP-based network-related issues; (iii) Enabling environment; (iv) Capacity building and digital inclusion; and (v) Least developed countries, countries in special need, emergency telecommunications and climate change adaptation.

The WTDC-10 was preceded by a meeting of the Telecommunications Development Advisory Group (TDAG), held in February, to prepare for the conference.

ICP-ANACOM was also involved in the 10th Global Symposium for Regulators (GSR), held on the theme "Enabling Tomorrow's Digital World ". Approval was given to a set of sectorial best practice at the Symposium, with Portugal's contribution centred on the regulatory intervention of ICP-ANACOM in terms of opening up access to infrastructure, including through the introduction of the RDAO.

- **Radiocommunication Sector (ITU-R)**

In 2010, ICP-ANACOM participated in the following working parties (WP) of the ITU-R:

- WP1A, responsible for research into Spectrum Engineering Techniques;
- WP1B, responsible for research on Spectrum Management Methodologies and Economic Strategies;
- WP4B, responsible for performance and availability objectives of the fixed-satellite service (FSS), the broadcasting satellite service (BSS) and mobile satellite service (MSS), including IP applications and SNG earth stations (Satellite News Gathering); it is also involved in preparations for the WRC-12;
- WP5A, responsible for studies related to [the LMS](#), excluding IMT, the amateur and amateur-satellite service;
- WP5B responsible for studies related to the maritime mobile service, including GMDSS, the aeronautical mobile service and the radio-determination service;
- WP5C, responsible for the technical aspects related to fixed wireless systems, HF systems and other systems operating in frequency bands below 30 MHz in respect of the fixed and land mobile services;
- WP6A, responsible for issues related to terrestrial radio and television broadcasting;
- JTG 5-6, responsible for studies on sharing between the mobile service and other services, with allocation in the 790-862 MHz band, and broadcasting, fixed, mobile and aeronautical radio navigation services.

8.2.2.2. European Conference of Postal and Telecommunications Administrations (CEPT)

The objectives of the CEPT include the harmonisation of technical and regulatory matters, as well as the coordination of European regional positions in respect of the work of the international organizations in the sector, namely the ITU and the UPU.

As part of its participation in the CEPT, ICP-ANACOM took part in the Electronic Communications Committee (ECC), the European Committee for Postal Regulation (CERP) and the Committee for ITU Policy (Com-ITU) as well as in various working groups related particularly to frequency management, spectrum and numbering engineering, and to addressing and interconnection, thereby contributing to the preparation of decisions with regulatory relevance.

ICP-ANACOM was also involved in the development of works related to the reform of the body's mission and organization, as approved at the Amsterdam Assembly (2007), in order to increase efficiency and external visibility. The Presidency was provided through the new tripartite structure, based on the three committees - ECC, CERP and Com-ITU. The CEPT Assembly is now convened on an *ad hoc* basis and did not meet in 2010.

Following the mandates issued to the CEPT by the EC, the following reports were approved in 2010:

- CEPT reports no. 36 and no. 37 in response to parts 1 and 2 of the EC Mandate on SRR;
- CEPT Report no. 38, in response to the EC permanent mandate on SRD;
- CEPT Report no. 39, in response to the EC mandate on the 2 GHz range;
- CEPT Report no. 40, in response to Part 2 of the EC mandate on the 900/1800 MHz bands - *In band compatibility study for LTE and WiMAX operating within the bands 880-915 MHz / 925-960 MHz and 1710-1785 MHz / 1805-1880 MHz (900/1800 MHz bands)*;
- CEPT Report no. 41, in response to Part 2 of the EC mandate on 900/1800 MHz - *Adjacent band compatibility study between LTE and WiMAX operating within the*

bands 880-915 MHz / 925-960 MHz and 1710-1785 MHz / 1805-1880 MHz (900/1800 MHz bands) and systems operating in adjacent bands;

- CEPT Report no. 42, in response to Part 3 of the EC mandate on 900/1800 MHz - *Compatibility study between UMTS 900 and DME currently in use and the compatibility between UMTS 900 and future AMIS systems under development by ICAO.*

The work developed in each of these three CEPT committees is shown below:

- **Electronic Communications Committee (ECC)**

ICP-ANACOM represented the Portuguese Administration at the ECC, with the adoption, in 2010, of the following amended ECC Decisions on the following subjects:

- *Sharing conditions in the 10.6-10.68 GHz band between the fixed service, mobile service and Earth exploration satellite service (passive);*
- *Compatibility between the fixed satellite service in the 30-31 GHz band and the Earth exploration satellite service (passive) in the 31.3-31.5 GHz band;*
- *EFIS - ECO Frequency Information System;*
- *Harmonised frequency plan for the use of band 169.4-169.8125 MHz.*

With regard to the monitoring of the ECC sub-groups, ICP-ANACOM gave priority to its presence in the working groups and project teams of frequency management, spectrum engineering, regulatory affairs, IMT-2000 and other systems, conference preparations, numbering and addressing and technical aspects of interconnection.

The results obtained by these groups included:

- The Working Group on Frequency Management (WGFM) continued work on the harmonization of spectrum at European level, in the context of radiocommunication services and systems. Specifically, studies were developed to identify more harmonized spectrum for use by public protection and disaster relief applications (PPDR), initiating a debate on the future of L-band with a view to potential harmonization for mobile multimedia in Europe and debating the spectrum requirements for DA2GC (Broadband Direct-Air-to-Ground Communications), updating the Common Frequency Allocation Table (ECA, Report ECC 25), developing the European frequency website (EFIS), developing spectrum monitoring campaigns, formulating ECC decisions reflecting sharing conditions between different radiocommunication services, updating annexes to Recommendation ERC/REC 70-03 on specific applications of short-range devices (SRD) and reviewing various ERC/ECC decisions and recommendations with a view to keeping them current and up-to-date. The Group also accompanied specific works with respect to the maritime mobile service and marine radionavigation;
- The Spectrum Engineering Working Group (WG SE) developed studies which resulted in recommendations and reports that establish criteria for compatibility between various radiocommunications systems. Important reports included reports on the introduction of WLAN on aircraft in the 5250-5350 MHz and 5725-5875 MHz frequency bands, microphones emitters (PWMS), specific UWB applications (LPR) and the definition of minimum technical conditions in the 790 -862 MHz band in the context of the digital dividend mandate. Work was also begun on the introduction of equipment using cognitive radio technology in the 470-790 MHz band;
- The Working Group on Regulatory Affairs (WG RA) developed work on the harmonization of technical regulatory procedures and rules at European level, with a focus on the report on greater flexibility in the ECC's regulatory structure, in order to allow the introduction of more flexible spectrum allocation models (e.g. technological neutrality). The WG RA developed impact analyses of the impact of CEPT procedures on the harmonization of radio interfaces in the determinations of the CEPT (RIS model), analyses of the applicability of the R&TTE Directive (Radio

& Telecommunication Terminal Equipment), and reviewed a number of ECC Decisions related essentially to free movement and licensing exemptions;

- The ECC PT1 Working Group is responsible for all matters related to IMT (International Mobile Telecommunications), and its objective is to develop harmonization measures in terms of designating the bands identified for IMT and the respective channels, carrying out sharing/compatibility studies involving IMT and coordinating European positions before the ITU-R. In 2010, it is important to note the activities related to the response to the EC Mandate on 900/1800 MHz, including the possibility of introducing other technologies, in addition to GSM and UMTS;
- The ECC TG4 Group completed work on the second mandate of the EC to study technical constraints with a view to the adoption of a harmonised policy for the digital dividend in the EU, presenting a CEPT report providing guidelines for co-ordination processes between neighbouring countries and another CEPT report with a recommendation on the best approach to ensure the continuation of existing Program Making and Special Events (PMSE) services operating in the (470-862 MHz), including the assessment of the advantage of an EU-level approach. Related to the second EC mandate, but outside its scope, TG4 produced the ECC report, which summarizes the measurements conducted on the performance of DVB-T receivers in the presence of interference from the mobile service (especially UMTS)
- The Conference Preparatory Group (CPG) continued preparations for the World Radiocommunications Conference to be held in 2012, with four project teams engaged in the study of the following issues: (i) technical, regulatory and procedural aspects related to various topics on the WRC-12 agenda; (ii) aspects of the WRC-12 agenda associated with scientific services; (iii) issues related to the aeronautical mobile, radiolocation, maritime and amateur service; and (iv) other matters associated with ENG (Electronic News Gathering), the fixed service, fixed UHF, HAPS and the mobile satellite service.

- **European Committee for Postal Regulation (CERP)**

The announced creation of the European Regulators Group for Postal Services (ERGP) had a determined impact on the work of the CERP in 2010 and on its restructuring. ICP-ANACOM participated in the plenary sessions, remaining actively engaged in the following project teams: *PT Policy*, *PT Supervision and Market Data*, *PT Cost Accounting and Price Regulation*, *PT Universal Service* and *PT Consumer Issues*.

At the Plenary sessions, basic principles were defined guiding the future positioning of the Committee in light of developments within the EU and also defining the new structure; additionally the activity of the current PT and working groups was concluded given the transfer of postal regulation matters to the newly created ERGP under the aegis of the EC. ICP-ANACOM's participation in CERP was taken up in great part by the activity of *PT Policy*, where positions of European countries on UPU matters are coordinated; according to the new structure, to be formalized at the first Plenary of 2011, this will be one of two groups of the new CERP.

Portugal has been designated to assume the leadership of a drafting group which was set up to submit a proposal to the UPU's CA at the annual session of November 2010 on the .post domain project (see UPU).

- **Committee for ITU Policy (Com-ITU)**

The mission of this CEPT Committee is to coordinate European positions on issues related to the ITU, particularly in terms of the Council, Plenipotentiary Conferences and Sector Conferences/Meetings, with ICP-ANACOM providing important participation. In 2010, the work of this committee was focused on preparing the WTDC-10 and PP-10 (see ITU), especially through the adoption of common European proposals (CEP).

With a view to WTDC-10, ITU-COM adopted CEP on the topics of e-accessibility, climate change and private sector participation. With respect to PP-10, common European proposals covered topics such as the financial implications of the proposals presented at Conferences and Assemblies of the Union, the implementation of IPv6, the restructuring of Telecom events, e-accessibility and private sector participation in the activity of the ITU Development Sector.

Com-ITU was also engaged in European preparations for sessions of the ITU Council

- **European Communications Office (ECO)**

ICP-ANACOM represented the Portuguese Administration on the ECO Management Board. There was debate on the financial structure and cost of the office, including maintenance of the contribution unit paid by administrations to the secretariat of the CEPT - trend in place since 2003 - and desirable evolution of the ECO's reserve fund. The Office released its first activities report, to be produced on an annual basis, and a debate was held on the future of the CEPT conference, which is due to become an ECC event, capable of contributing to the reformulation of the respective strategic plan. Portugal submitted a proposal to introduce a "green agenda" in the office's management, which will enable the ECO to become a more sustainable workplace.

8.2.2.3. European Telecommunications Standards Institute (ETSI)

ICP-ANACOM is a member of ETSI in the Administration category and, as such, participated in its two general assemblies (AG). In 2010, ETSI continued to develop its activities in three main areas - Global Standards Producer, Service Providing Organization and European Standards Organization - with a special focus on the relationship between standards and open source, on smart networks and on the green agenda. At the year's last GA, the 2011 budget was approved, with no increase in the contribution unit.

8.2.2.4. Radio and Telecommunications Terminal Equipment Compliance Association (R&TTECA)

Pursuant to the R&TTE Directive, during 2010, ICP-ANACOM was represented in the R&TTECA, which is made up of regulatory authorities, laboratories, equipment manufacturers and representatives of the Commission in this area; its mission is to discuss technical issues and produce technical guidelines for the verification of compliance of equipment subject to the R&TTE Directive.

8.2.2.5. European Network and Information Security Agency (ENISA)

ENISA's objective is to support the EC, Member States and the business community in addressing, answering and, in particular, preventing network and information security problems.

In 2010, ICP-ANACOM continued to give focus to the multi-year thematic programme on improving the resilience of European electronic communications networks, based this year on: (i) good practice in terms of information sharing and incident reporting; (ii) contribution to improving network resilience; (iii) research into innovative actions; and (iv) preparation of the first pan-European exercise.

In this regard, the work developed in the preparation of this exercise and ICP-ANACOM's participation was particularly important.

9. To promote institutional and technical cooperation (Objective 5)

The promotion of institutional and technical cooperation is an objective underlying the other objectives established in ICP-ANACOM's management plan. This section highlights the work done by ICP-ANACOM to promote and share know-how with respect to the electronic communications and postal services market.

After the reformulation of objectives and mechanisms in 2008 and the consolidation which took place in 2009, 2010 was marked by the maturing of ICP-ANACOM's institutional cooperation approach and technique, implemented three years before. This was reflected in greater rationalization in the use of ICP-ANACOM's professional competencies, in the increased number of activities, and also by increasing the substantial weight of concluded partnerships, both public and private, that serve to complement the entire activity.

9.1. International cooperation

Cooperation represents one of the facets of ICP-ANACOM's international work, in particular as regards cooperation with European countries, with South America and the Mediterranean, and with other Portuguese-speaking countries in Africa, Brazil and East Timor.

Given the responsibilities underlying ICP-ANACOM's mission with regards to cooperation, there was a clear focus on initiatives of a technical nature, centred primarily on helping to build more open and competitive markets.

Meanwhile, a priority group can be clearly identified as a natural target of ICP-ANACOM's cooperation activities: the NRA of the members of the Community of Portuguese Speaking Countries.

9.1.1. Multilateral cooperation

- **Training**

A cooperation protocol was signed between ICP-ANACOM, INCM - Instituto Nacional das Comunicações de Moçambique (National Communications Institute of Mozambique) and ACIST - Associação Empresarial de Comunicações de Portugal (Association of Sellers and Installers of Telecommunication Systems). The goal of this protocol is to train technicians in the area of information technologies with special focus on new systems suited for the installation of optical fibre in telecommunications infrastructure in buildings and urban developments.

Meanwhile, under the cooperation protocol signed between INA and ICP-ANACOM in 2009, certified training was provided to various technicians and leaders of the CPLP regulators, with a broad and diverse curricular content covering matters that go beyond regulatory activity. Three training courses were completed: the advanced course for the managers of regulators (CADISC) and two advanced courses for technicians in the communications sector (CATESC) on different subjects.

- **I Lusophone Forum of Communications**

This forum was held alongside the General Assembly of ACTEL-CPLP, in April, in partnership with operators, service providers and other sector entities of the CPLP. It addressed the theme of "The Future of Telecommunications", from a broad perspective of sectorial and functional convergence.

- **AICEP - Associação os Operadores de Correios e Telecomunicações dos Países e Territórios de Língua Oficial Portuguesa (Association of Postal and Telecommunications Operators of the Portuguese-speaking Countries and Territories)**

In 2010, ICP-ANACOM participated in the Annual General Meeting of AICEP, at which approval was given to the budget, the management plan and an amendment to the statutes, whereby AICEP was renamed Associação Internacional das Comunicações de Expressão Portuguesa (International Association of Portuguese Language

Communications). ICP-ANACOM also participated in the XVIII AICEP forum - "Converged and connected".

- **CPLP-ARCTEL - Associação de Reguladores de Comunicações e Telecomunicações da CPLP (Association of Communications and Telecommunications Regulators of the CPLP)**

The Second ARCTEL General Assembly, held in April, elected the new managing bodies, with Brazil elected to the presidency, Cape Verde to the vice presidency, and Portugal to the secretariat. An amendment was adopted extending the mandates from one to two years and approval was given to the 2010-2011 activities plan, which, in addition to international participations resulting from membership of the ITU Sector, set a range of internal work goals, particularly in the areas of planning, statistics and training.

- **Center of Excellence for Portuguese and Spanish speaking countries in Africa (ITU CoE)**

Following on from the results of 2009, ICP-ANACOM accompanied the various actions of the ITU CoE, both in terms of their preparation in partnership with the ITU's coordination of the project, and in terms of national coordination, ensuring the participation of experts/trainers for the different activities. In 2010, 11 courses were held on the following topics: (i) Strategic management and marketing management in telecommunications; (ii) Communications security and fraud management; (iii) Project Management; (iv) Approval and certification of equipment; (v) Conflict management; (vi) Quality of service; (vii) Satellite Communications; (viii) Submarine cables; (ix) Digital Terrestrial Television; (x) Interconnection and portability; and (xi) Convergence of networks and services.

As a result, 50 days of training was provided in total to more than 300 technicians; 22 trainers took part, of which nine were from ICP-ANACOM.

- **2010 EaP Conference**

ICP-ANACOM participated in a high-level meeting of the Eastern Partnership, jointly organized between the EC and the Austrian regulatory authority (RTR), in which it made a presentation entitled "Regulatory Cooperation -The experience of ICP-ANACOM in BEREC, REGULATEL, EMERG and ARCTEL". This event brought together the managers of European regulatory authorities, promoting the exchange of experience between the regulators of EU Member States and their counterparts from Belarus, Ukraine, Moldova, Georgia, Azerbaijan and Armenia.

- **Postal Regulation - 1st International Postal Regulation Colloquium**

In May 2010, ICP-ANACOM participated in the 1st International Postal Regulation Colloquium, organized by the National Postal Agency of Ecuador (ANC) and by Ecuador's Ministry of Telecommunications and the Information Society (MINTEL), together with the UPAEP - União Postal das Américas, Espanha e Portugal (Postal Union of the Americas, Spain and Portugal).

9.1.2. Bilateral cooperation

With regard to the Indicative Cooperation Programmes (CIP) and Annual Cooperation Plans (CAP) in 2010, it was possible to achieve greater synergies with the ITU CoE; this included taking advantage of the presence of ICP-ANACOM monitors at the COE to carry out technical missions.

In 2010, ICP-ANACOM's bilateral relations were also focused on a set of key activities that from a strategic point of view are important in terms of Portugal's relations with third countries within the framework of sector policies. The main actions pursued with other organisations are outlined below.

- **Angola (INACOM)**

ICP-ANACOM's staff participated in CATESC and CADISC courses, as well as in parallel actions and the mission on legislative sector reforms.

- **Brazil (ANATEL)**

The 13th meeting of ICP-ANACOM/ANATEL Coordination Commission took place with a broad relationship profile and in a wider framework. Advances were reported at the level of the working group on spectrum management, and it was decided to develop common procedures for the inspection of radio interference and non-ionizing radiation. Procedures were agreed and established for sharing information in the context of preparing for the WRC-12. Additionally, ICP-ANACOM participated in the REGULATEL-IRG/ANATEL-ANACOM Seminar on universal access to electronic communications and pro-competition regulation, and made two presentations on "Serving people with special needs" and "Functional separation".

- **Cape Verde (ANAC)**

The protocol signed in 2009 between ICP-ANACOM, UMIC, FCCN and UniCV, on access to the Online Knowledge Library (B-on) and financing of access to new publications was renewed with ANAC. In addition, a programme was established to exchange experiences and increase direct cooperation between ANAC and ICP-ANACOM's offices in Madeira and the Azores, in response to the specific characteristics of insularity.

- **Croatia**

In 2010, a Bilateral Meeting was held between the Croatian postal regulator and ICP-ANACOM in Lisbon in the context of the TAIEX project, in which there was discussion of topics such as postal regulations (national and European legal framework), universal service and its financing, protection of consumer rights, quality of service and pricing, among others.

- **Ecuador (ANP)**

A cooperation protocol was signed to support this country as it engaged in the process of postal sector liberalisation. In this context, training was provided in Lisbon on issues related to oversight of the postal activity, the registration of postal operators and complaints.

- **Spain (Spanish Ministry of Public Works and Transport and *Comisión del Mercado de las Telecomunicaciones* (Telecommunications Market Commission))**

Meetings were held with the Spanish Ministry of Public Works and Transport, which is responsible for the transposition of the Postal Directive in Spain, in order to share views on the regime to be adopted with regard to a range of issues in the context of this transposition. Other meeting took place with CMT - *Comisión del Mercado de las Telecomunicaciones* (Telecommunications Market Commission) seeking to promote the exchange of experiences and the discussion of common positions, especially in the context of European and international organizations. This initiative was developed in the framework of institutional exchange between ICP-ANACOM and CMT. Usual bilateral contacts were maintained in the coordination of frequencies.

- **Guinea-Bissau (ICGB)**

Staff from ICGB took part in CADISC and CATESC courses as well as in activities undertaken in parallel, particularly in terms of training on the US and financial administration.

- **Hungary (NHHC)**

The first meeting of accredited laboratories was held as part of the comparison of electromagnetic compatibility and radio equipment measurement, with the aim of exchanging experiences and technical review procedures. Technicians from NHHC took part in "field" actions together with ICP-ANACOM staff in undertaking monitoring and control of the spectrum.

- **Morocco (ANRT)**

The 2nd high-level meeting was held between ICP-ANACOM and the Moroccan regulator, providing opportunity for the exchange of experiences on various issues, including tariff control, electronic certification, number portability and the digital dividend. Additionally, the year was marked by the conclusion of a new memorandum of understanding, superseding the former memorandum and extending the term to three years. This provided greater

stability and work dynamics between the two authorities, particularly with regard to technical areas and above all in terms of the necessary work on the coordination of frequencies and of the broadcasting service. Alongside this meeting, a further technical meeting was held on broadcasting issues.

- **Mozambique (INCM)**

2010 was marked by the signing of a protocol between ICP-ANACOM, ACIST and INCM, and also by the participation of INCM staff in CADISC and CATESC courses and in activities taking place in parallel.

- **Sao Tome and Principe (AGER)**

Training was held with AGER on the US, while AGER staff participated in CADISC and CATESC courses and in activities taking place in parallel, including a course on spectrum management. ICP-ANACOM temporarily gave equipment for monitoring radio frequencies to Sao Tome and Principe. This was accomplished in parallel with a programme of the ITU CoE on the approval and certification of equipment, followed by a technical mission to provide local support in the assembly of a spectrum analyzer and training in its use. Additionally, various aerials were erected and RF cables were constructed, and maintenance support was provided in other areas.

- **Thailand (CNTT)**

A meeting was held on quality of service, in which ICP-ANACOM outlined its experience, particularly on the methodology used in these operations. There was also opportunity to learn about aspects of the telecommunications market management in this Southeast Asian country.

- **Ukraine (CNRC)**

A cooperation protocol was signed between ICP-ANACOM and the Ukrainian regulator, with a view to exchanging experiences and technical support, particularly in terms of procedures and requirements within the framework of Community law.

9.2. National cooperation

In this section, a summary is presented of the actions developed by ICP-ANACOM with respect to cooperation at national level, with particular focus on the work done in the analysis of restrictive practices and on issues of technical standardization.

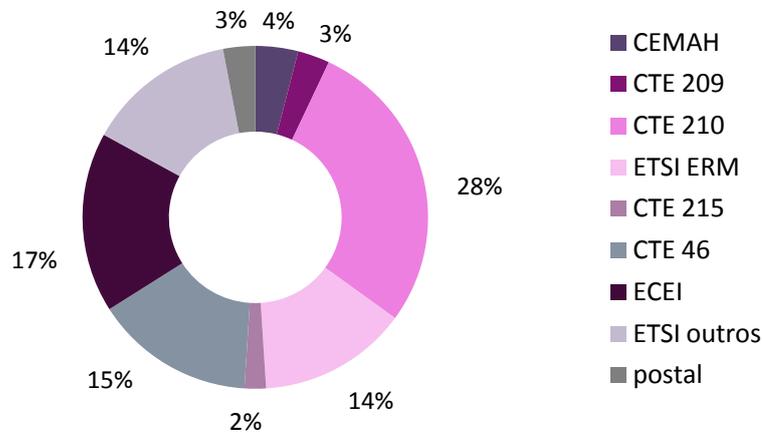
- **AdC - Autoridade da Concorrência (Competition Authority)**

In 2010, ICP-ANACOM responded to requests from AdC - Autoridade da Concorrência (Portuguese Competition Authority) made in relation to complaints submitted by companies in the electronic communications sector. One such complaint was submitted by Cabovisão - Televisão por Cabo, S.A. (Cabovisão) to the Competition Authority against ZON Multimédia - Serviços de Telecomunicações e Multimédia, SGPS, SA and against its subsidiaries, ZON TV Cabo, SA, Sport TV Portugal, SA and ZON Conteúdos - Actividade de Televisão e de Produção de Conteúdos, SA, alleging abuse of dominant position. Pursuant to the provisions of article 29 of the Lei da Concorrência (Competition Law) and in compliance therewith, AdC notified ICP-ANACOM, seeking its position on the facts set out in the complaint. ICP-ANACOM duly responded to this request.

- **IPQ - Instituto Português de Qualidade (Portuguese Quality Institute)**

In 2010, the activities undertaken with respect to ICP-ANACOM sector standardisation body (SSB) for telecommunications, postal activity and electromagnetic compatibility, comprised about 200 queries, distributed by theme as in the graph below:

Graph 48 - Sector Standardisation Body - technical committee queries in 2010



Source: ICP-ANACOM.

These queries came from standardisation bodies such as ETSI, CEI, CEN and CENELEC, with participation of the national electrotechnical technical committees:

- CTE 46 - cables, wires and wave guides for telecommunication equipment;
- CTE 210 - electromagnetic compatibility;
- CTE 215 - electrotechnical aspects of telecommunications equipment;
- CTE 209 - cable networks for television signals, radio signals and interactive services.

With the technical committees in the context of CEMAH - Impact of electromagnetic radiation on the human environment - and postal activity not yet constituted⁵⁰, ICP-ANACOM's SSB conducts interested party queries.

ICP-ANACOM participated in the IPQ's seminar on CE marking, with the presentation "ICP-ANACOM's role in giving credibility to CE marking", with the aim of raising awareness and informing businesses about the CE mark, its importance and the role it plays in the development of the single market.

⁵⁰ Actions were undertaken throughout 2010, with a view to the development by CEN of technical standards and documents on the quality of the postal service in the context of the mandates conferred for this purpose by the European Commission under the Postal Directive 97/67/EC of 15 December 1997.

- **GAM-TD - Grupo de Acompanhamento da Migração para a Televisão Digital (Digital Television Migration Monitoring Group)**

ICP-ANACOM hosted two plenary meetings of the GAM-TD - Grupo de Acompanhamento da Migração para a Televisão Digital (Digital Television Migration Monitoring Group), established by Resolution of Council of Ministers no. 26/2009. These meetings, which included representatives of the organisations most directly involved in the analogue-digital transition process, should assist ICP-ANACOM in promoting the conditions necessary to accomplish this transition. ICP-ANACOM produced a quarterly progress report on the analogue-digital transition process, based on information collected through the GAM-TD, data submitted to ICP-ANACOM by key participants in the process and information gathered directly from the organizations that handle statistical or market information.

- **Autoridade Nacional de Protecção Civil (National Authority for Civil Protection)**

In search of optimum solutions to provide bodies which have civil protection responsibilities with the communications resources appropriate to their activities, ICP-ANACOM concluded a Protocol with Autoridade Nacional de Protecção Civil (National Authority Civil Protection). This protocol establishes mechanisms for cooperation between the parties in the context of the actions necessary to develop and put into operation the public communications component of the Plano Nacional de Comunicações da Protecção Civil (National Communication Civil Protection Plan), which, under current legislation, should be supported on public electronic communications networks and services.

The two Authorities initiated joint projects, particularly with regard to the use of electronic communications in warning and alert systems through the use of mobile networks and in the formulation, with other entities, of the new national civil protection emergency plan.

ICP-ANACOM was also engaged in specific cooperation with certain civilian and municipal governments in this area, where developments may occur.

- **MDN - Ministério da Defesa Nacional (Ministry of Defence)**

A protocol was concluded with the Ministry of Defence, under which a cooperation agreement was developed for the technical testing of Global Maritime Distress and Safety Systems (GMDSS). In this respect, joint actions were developed between ICP-ANACOM and MDN in order to assess GMDSS coverage in the coastal waters of Mainland Portugal.

- **DECO - Associação Portuguesa para a Defesa do Consumidor (Portuguese Association for Consumer Protection)**

In October 2010 a protocol was signed between ANACOM and DECO with a view to DECO carrying out comparative testing of DTT signal decoders (set-top boxes) and the subsequent reporting of results.

- **Ordem dos Engenheiros (Order of Engineers) and Associação Nacional dos Engenheiros Técnicos (National Association of Technical Engineers)**

ICP-ANACOM concluded a protocol with the Ordem dos Engenheiros (Order of Engineers) and Associação Nacional dos Engenheiros Técnicos (National Association of Technical Engineers) in order to provide this Order and Association with professional expertise in the context of the regime governing the construction of infrastructure suitable for the accommodation and installation of electronic telecommunications networks and the installation of telecommunications infrastructure in buildings and in housing developments, urban settlements and concentrations of building (ITED/ITUR), to ensure quality and that procedures are in compliance of with applicable legislation.

- **Municipal Councils and ITED technicians**

A cycle of four seminars was conducted in 2010 targeting Municipal Councils and ITED technicians, with the aim of promoting discussion and clarifying issues related to the legal and technical regime under ITED/ITUR, the implementation of DTT and the SIC.

10. Administrative Litigation

In 2010, a decrease was reported in the level of administrative litigation compared to the previous year, with four cases instigated over the period. Nevertheless, the level of existing litigation remains high, given the number of cases carried over from previous years: 41.

10.1. Cases initiated in 2010

The four cases initiated in 2010 refer to special administrative actions in respect of determinations on electronic communications:

Special administrative action brought by ZON - TV Cabo Portugal, S.A. seeking nullity of the act of issuing license ICP-ANACOM11/99FWA, issued in favour of Bragatel for exploration of the FWA system and formalized in License no. ICP-11/99-FWA, or seeking alternatively, that the revocation of the license enacted without retroactive effects reported to December 2004 - which was enacted by ICP-ANACOM determination of 19 August 2009 - be declared illegal; ICP-ANACOM submitted its response on 3 May 2010 - the case is pending;

Special administrative action brought by SONAECOM - Serviços de Comunicações, S.A., challenging ICP-ANACOM's determination of 14 January 2009, which approved the final decision on the definition of product and geographic markets, SMP assessment and the imposition, maintenance, amendment or withdrawal of regulatory obligations in the markets of wholesale (physical) network infrastructure access at a fixed location and wholesale broadband access; ICP-ANACOM submitted its response on 7 June 2010 - the case is pending;

Special Administrative Action presented by PT Comunicações, seeking partial annulment of ICP-ANACOM's determination of 17 February 2010 - amendments to the Reference Unbundling Offer (RUO)⁵¹; ICP-ANACOM submitted its response on 19 October 2010 - the case is pending;

⁵¹ Already referenced in this Report.

Special administrative action brought by Vodafone Portugal challenging ICP-ANACOM determination of 30 July 2010 - decision on the request for intervention submitted by Radiomóvel seeking access or interconnection of its mobile trunking service network with the networks of PTC, Sonaecom, TMN and Vodafone⁵²; ICP-ANACOM submitted its response on 15 December 2010 - the case is pending.

10.2. Cases carried over from previous years

Of the 41 cases carried over, five saw conclusion in 2010⁵³:

- Value added services: Declarative action with ordinary procedure, with ordinary common proceeding brought by STVA - Serviços de Valor Acrescentado, Lda, against ICP-ANACOM, seeking payment by the offender of PTE 48,378,719.00 (equivalent to 241,312 euros) plus interest following alleged unlawful seizure of terminal equipment.

On January 7, 2010, ICP-ANACOM was notified of the ruling issued on 15 December 2009, which dismissed the application, whereby the defendant was acquitted.

- Radio broadcasting activity: An appeal brought by Rádio Placard against ICP-ANACOM, seeking annulment of the act notified to the applicant on 11 January 2002 and of the implementation operation occurring on 25 February 2002.

On 11 November 2009, ICP-ANACOM was notified of the ruling which determined the termination of proceedings without need to adjudicate; the Court only sent the case back only to this Authority on 20 April 2010, following transit in *rem judicatam* - whereby it could only be considered terminated at that time.

⁵² Also already referenced in this Report.

⁵³ One other case was concluded in 2009 which, since it was not filed in that year, was not covered in the respective report. This case refers to a judicial appeal brought by NRT - Norte Rádio e Televisão, Lda against ICP-ANACOM, seeking annulment of the administrative act of 4 October 2002 exercised by the Director of Spectrum Management. Ruling on 30 September 2009, Porto Administrative and Fiscal Court concluded that the defects alleged by NRT were unsubstantiated, whereby it dismissed the appeal.

- Networks and electronic communications services: appeal brought by PTC against ICP-ANACOM seeking annulment of the determination of 26 December 2002, whereby amendments were imposed on the draft Internet access reference proposal (IARP) presented by the company.

On 9 April 2010, ICP-ANACOM was notified of the ruling handed down by the Lisbon Administrative Circuit Court whereby, due to its withdrawal by PTC, the appeal was dismissed.

- Universal telecommunications service: Judicial appeal for annulment brought by PTC in 2003 in respect of ICP-ANACOM determination of 21 August 2003, rejecting the existence of net costs of universal service provision until 1 January 2001⁵⁴.

Following dismissal of the appeal to be filed with the Supreme Administrative Court on the grounds of non-compliance with the arbitral tribunal, in 2009 PT Comunicações, appealed on the grounds of contradiction of decisions.

Passing judgement on 16 September 2010, the Supreme Administrative Court ruled that the claimed contradiction did not exist, so upheld the decision against PT Comunicações as *res judicata*.

- Complementary mobile telecommunications service - trunking mobile services: Common administrative action with ordinary declaratory proceeding, brought by Radiomóvel.

On 29 September 2010, ICP-ANACOM was notified of the decision of the Lisbon Administrative Circuit Court, which ruled that the withdrawal of the request was valid and consequently ordered the termination of proceedings.

⁵⁴ This process has already been mentioned in this Report.

10.3. Legal challenges to fees applied by ICP-ANACOM

In 2010, Cabovisão, ZON TV Cabo Açoreana, ZON TV Cabo Madeirense, ZON TV Cabo Portugal, Optimus and TVI submitted legal challenges in respect of acts of settlement of annual fees with reference to the exercise of the activity of provision of electronic communications networks and services. ICP-ANACOM prepared responses to present before the court.

ICP-ANACOM also continued to monitor the 21 legal challenges over fees instigated in previous years.

10.4. Special judicial procedures of company rescue and bankruptcy

Throughout 2010, 35 special judicial procedures of company rescue and bankruptcy were kept under review with 4 bankruptcy cases where ICP-ANACOM was involved as a creditor, in the most part due to claims resulting from the non-payment of fees

10.5. Tax Foreclosures

Over the course of 2010, ICP-ANACOM kept 18 procedures under review related to opposition to tax foreclosures, brought forward from previous years.

In 2010 three new procedures were instigated.

11. Advising the Government

In the context of advising the Government, ICP-ANACOM made the following key contributions.

- **Transposition of Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services**

Following the preparatory work carried out in 2009, ICP-ANACOM engaged in work to transpose Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008. In this context and as a first step, a draft bill was submitted to the Government amending Law no. 88-A/97 of 25 July, which regulates access of private economic initiative to certain economic activities, and in August, a draft bill transposing the Postal Directive was submitted.

- **Transposition of Directives nos. 2002/19/EC, 2002/20/EC, 2002/21/EC, all of the European Parliament and the Council of 7 March, as amended by Directive no. 2009/140/EC of the European Parliament and of the Council of 25 November, Directive no. 2002/22/EC of the European Parliament and of the Council of 7 March, as amended by Directive no. 2009/136/EC of the European Parliament and of the Council of 25 November, and Directive no. 2002/77/EC of the European Commission of 16 September.**

In 2010, ICP-ANACOM worked on the transposition of these directives with a view to the submission of draft implementing legislation to Government in early 2011.

- **Draft Decree-Law amending Decree-Law no. 150/2001 of 7 May**

ICP-ANACOM prepared a draft law amending Decree-Law no. 150/2001 of 7 May, establishing the regime governing access to and the exercise of the activity of provider of postal services operated in competition, bringing about the necessary adaptations of this sectorial regime in line with the requirements of Directive 2006/123/EC ("Services Directive") transposed by Decree-Law no. 92/2010 of 26 July.

This draft also set out to bring the sanctioning regime set forth in this legislation into conformity with the framework system of administrative offences within the communications sector, as approved by Law no. 99/2009 of 4 September.

- **Preparation of draft tender documents for the selection of the provider(s) of the universal service of electronic communications**

The draft tender documents were completed and presented to the Office of the Assistant Secretary of State for Public Works and Communications.

- **Public tenders for the installation, management, operation and maintenance of high-speed electronic communication networks**

In 2010, ICP-ANACOM continued to advise the panel of the five tenders launched for the installation, management, operation and maintenance of high-speed electronic communications networks in rural areas, assisting in their analysis and assessment of the presented proposals until award of the tenders was made in the second half of the year. Also during the year and in the context these tenders, ICP-ANACOM advised the government on issues related to the process of notification of State aid to the European Commission.

In its role of adviser to the Government and in the light of the powers and responsibilities conferred on ICP-ANACOM by law, this Authority conducted analysis of the following documents:

- Draft law of the new legal regime governing institutional advertising and the acquisition of advertising space by public bodies;
- Draft cinema law;
- Draft legislative authorisation law and draft decree law designed to simplify the regime governing access to and the exercise of different economic activities (zero licensing draft legislation);
- First amendment to Law no. 27/2007 of 30 July (Television Law), with a view to transposing Directive 2007/65/EC of the European Parliament and of the Council of 11 December;

- Draft Radio Law;
- Draft legislation on the special compulsory purchase scheme for the execution of infrastructure covering beneficiary applicants of co-financing of EU funds and allocated to the development of logistics platforms;
- Decree-Law no. 56/2010 of 1 June, on unlocking of equipment used to access electronic communications services;
- Draft decree-law approving the creation of a system of monitoring and overseeing public initiative investment projects;
- Draft Decree-Law transposing into national law Directive no. 2008/114/EC of the Council of 8 December on the identification and designation of European critical infrastructures (ECI) and the assessment of the need to improve their protection;
- Draft Decree-Law establishing the principles and rules required to simplify free access to and exercise of service activities performed in Portuguese territory by providers established in Portugal or in another EU Member State, transposing into the national legal system Directive No. 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market ("Services Directive") (Decree-Law no. 131/2010 of 19 March).

In this context, ICP-ANACOM was also asked to prepare draft amendments to sectorial legislation in line with the regime resulting from the Directive due to be transposed, specifically:

- Draft decree-law approving the creation of a system of monitoring and overseeing public initiative investment projects, and the Agência para o Investimento Público e Parcerias (Public Investment and Partnerships Agency), E. P. E., and making a third amendment to Decree-Law no. 86/2003 of 26 April, which is a second new version of the draft Decree-Law that created the Unidade de Acompanhamento das Parcerias e Concessões (Partnerships and Concessions Monitoring Unit) and defined respective intervention in the preparation, launch, award and oversight of public-private partnerships (Decree-Law no. 221/2010 of 21 July);

- Draft Decree-Law on the requirements for accreditation, surveillance and marketing of products with CE marking, with a view to ensuring effective application in national law of the provisions of Regulation (EC) no. 765/2008 of the European Parliament and of the Council of 9 July 2008, setting out the requirements for accreditation and market surveillance relating to the marketing of products (Decree-Law no. 473/2010 of 19 November);
- Draft Decree-Law regulating the Código dos Regimes Contributivos do Sistema Previdencial de Segurança Social (Code for Social Security Contributions);
- Draft Decree-Law which establishes the authorization of expenditure relating to contracts to be concluded by the State, public institutions, local authorities, public foundations, associations and state companies;
- Draft Decree-Law that approves the legal regime governing the licensing of radio transmission equipment on board aircraft;
- Draft Resolution of the Council of Ministers - Repeal of RCM no. 23/98, which indicates that the entities in the national territory may benefit from a reduction in radio spectrum fees by directly participating in the prevention, detection, surveillance and combat of fire, as well as providing pre-hospital emergency assistance in the Autonomous Regions;
- Draft Order of Minister for the Interior, the Minister for Public Works, Transport and Communications and the Minister for Health setting out the creation of the deployment platform of *eCall* in Portugal;
- Application no. 275/XI presented by the Socialist Party Parliamentary Group (investment in public works, transport and communications focusing on the Algarve);
- Draft resolution submitted by the Portuguese Communist Party Parliamentary Group - Resolution No. 48/XI (creating an emergency plan for the District of Castelo Branco, given the serious crisis in this district);
- Draft resolution no. 264/XI submitted by the Bloco de Esquerda (Left Bloc) Parliamentary Group (defence of Internet neutrality);

- Draft Law no. 418/XI presented by the Portuguese Communist Party Parliamentary Group (establishing the principle of neutrality of electronic communications network);
- Draft Law no. 419/XI presented by the Portuguese Communist Party Parliamentary Group (approving the regulatory framework for quality of service in Internet access);
- Question no. 1805-XI presented by the Portuguese Communist Party Parliamentary Group (possible violation of the rights of citizen José Fernando Borges de Carvalho and consequences of the installation by PTC of masts on his property);
- Question no. 785-XI/2 presented by the Portuguese Communist Party Parliamentary Group (privileged telephone access lines).

As adviser to the Government and in the light of the powers and responsibilities legally conferred upon this authority, ICP-ANACOM also prepared the following documents:

- **Request for exemption or reduction in GSM-R radio fees presented by REFER** - the application was examined upon request of the Office of SEAOPC, and an unfavourable opinion was presented.
- **Clarification of queries related to operation of telephone call centres** - response given to the questions raised by APRITEL, Vodafone and PTC on the impact of the regime approved under Decree-Law no. 134/2009 of 2 June, which establishes the legal regime for the provision of promotion, information and consumer and user support services through telephone call centres), in services provided through the telephone call centres of electronic communications companies.
- **Clarification of queries concerning the obligations established under Decree-Law no. 123/2009** - clarification was given to queries raised by public entities and companies, both in the area of electronic communications (ONI), and from other sectors - energy, construction (TEGAEL and Teixeira Duarte) as to the applicability of rules governing access to infrastructure as set out in Decree Law no. 123/2009 of 21 May, as amended by Decree-Law No. 258/2009 of 25 September.

12. Institutional Communication and Image

This section looks at the various actions undertaken by ICP-ANACOM in terms of communication and institutional image, whereby it has sought to convey clear, relevant and useful information to consumers and to the market in general.

In terms of ICP-ANACOM's own communication activities, a summary is given of the most relevant actions carried out with regard to its Internet presence and with regard to Spectru, this Authority's monthly newsletter.

ICP-ANACOM engaged in a range of activities in this area during 2010, seeking to maintain and strengthen an institutional image which conveys credibility and impartiality, but which is also dynamic and current, setting out the values and characteristics that guide its work. Its intervention is guided by the ultimate goal of upholding the interests of citizens in general and of users of communications services in particular.

In January 2010, ICP-ANACOM adopted a new image as part of a drive for innovation and modernisation, and launched it on the market. This revamp of its identity has given ICP-ANACOM a more up-to-date image that is in line with its quest for innovation. Meanwhile, the slogan of ICP-ANACOM's brand "Free flowing communication" is maintained as the great driver of ICP-ANACOM's ambition and motivation.

12.1. Internet Presence

Throughout 2010, ICP-ANACOM was focused on ensuring that its website provided visitors with the latest, updated information. There was also some reformulation of the website's thematic areas, which included the creation of some new areas, in great part as a result of legislative and regulatory changes. With a web presence since 1997, ICP-ANACOM's website (www.anacom.pt) not only fulfils a statutory obligation, but also accomplishes ICP-ANACOM's goal of bringing timely information on the sector to a range of different publics.

ICP-ANACOM's website is dynamic with a wide range of informative, interactive and transactional content and, since 2009, has been complemented by ICP-ANACOM's account on the social networking website *Twitter* - http://twitter.com/ICP_Anacom - where

this Authority has 859 followers (as on 31 December 2010). This platform enhances the dissemination of information published daily on ICP-ANACOM's official website.

During 2010, the online services available on the website were revamped. This upgrade, which maintained the electronic forms with public access, introduced the concept of a reserved area for registered users to manage processes in areas such as ITED-ITUR, the amateur and amateur satellite service and permanent and temporary radio licensing of radiocommunications networks and stations. Users are now able to make use a range of new features, including:

- secure protocols to access personal data and reserved services;
- consultation of the status of processes;
- electronic submission of documents;
- account management alerts, including registration expiration warnings;
- simplified revalidation of registration;
- optional use of a virtual keyboard when entering personal access data.

These areas provide access to electronic services in a dynamic and secure manner. They also offer:

- free telephone support for the completion of forms;
- more support information to help users complete forms;
- enhanced usability and more alternatives for access from mobile devices (mobile phones and smart phones);
- option of sending comments and suggestions about the services available.

The "Virtual Assistant" that supports the "A ANACOM Responde" (ANACOM answers) brand is designed to answer queries in a totally interactively manner, put by any citizen on topics as diverse as [roaming](#), portability and SMS-based value-added services. It will also monitor the questions put by users, so that, where necessary, new questions and answers can be developed on issues not yet covered by the virtual assistant's knowledge base.

ICP-ANACOM's website remains available in mobile and text (both bilingual) channels; the mobile channel is especially designed to be used by people accessing the Internet with smart phones or wireless equipment, whereas the channel text provides a guarantee that any user wishing to find information or perform a process using the online services forms has fully accessible access.

In the field of accessibility and usability, work conducted by ICP-ANACOM in 2010 to assess the quality of the website show that the graphic channel also offers a highly satisfactory user experience. This analysis was provided by the HCIM team - Human-Computer Interaction and Multimedia, an integral part of the LaSIGE Research Laboratory based at the Sciences Faculty of Universidade de Lisboa. The analysis concluded that ICP-ANACOM's website is adapted to the needs of users with disabilities, at a level which significantly exceeds the level of most websites covered by Resolution of the Council of Ministers no. 155/2007 of 2 October.

This process was later continued with a further evaluation to detect barriers of access to the website. This work involved people with disabilities such as blindness, amblyopia, and fine motor and severe upper limb disabilities; the results of this evaluation were also positive.

Over the course of 2010, the website received a total of over two million (2,279,034) visits. These visits resulted in 69 million views of informative and transactional content (68,313,405), with a daily average of 187 000 page visits.

ICP-ANACOM also remained engaged in its collaboration with the Portal do Cidadão (Citizens' Website) and the Portal da Empresa (Companies' Website), which provide an additional avenue for disseminating information and expanding the universe of citizens and businesses with access to the national regulator of the communications sector. By the end of 2010, the Portal do Cidadão included twelve services provided by ICP-ANACOM, while the Portal da Empresa contained thirty-five services associated with this Authority.

12.2. Spectru

ICP-ANACOM's Spectru newsletter is a mainstay of its institutional communications, and is also stems from statutory obligation. Spectru has been published regularly since

January 1999, and as a means of official communication, this publication remains a key vehicle in the regular dissemination of information on major issues associated with electronic and postal communications issues, nationally and internationally.

In January 2010, Spectru's graphical layout was modified and brought into line with ICP-ANACOM's new image. However, the structure of the newsletter's content was maintained and it remains organized in three major areas - communications in Portugal, in Europe and worldwide. Readers continued to have access to news from internal sources on ICP-ANACOM's national regulatory activity and its presence in international organizations, as well as information content from external sources, including other regulators and international institutions of reference. A survey, conducted in 2010 to obtain feedback from readers of the Spectru newsletter, revealed a very positive assessment of the publication.

With free distribution, the electronic newsletter has two versions, one in Portuguese and one in English, both available on ICP-ANACOM's website. The Portuguese version is also published on paper, for distribution among various bodies, including ministries, consumer protection bodies, operators and providers of communications services, industry, and counterparts in Portugal and in Portuguese-speaking countries.

12.3. Publications

ICP-ANACOM also produced the following publications in 2010, in paper and in electronic format and in Portuguese and English: 2009 Annual Report and Accounts, 2009 Regulation Report, 2009 Activities Report and the 2009 edition of the Communications Sector in Portugal Yearbook.

In mid-2010, ICP-ANACOM produced, in paper and electronic format (available on ICP-ANACOM's website), a compilation of legislation on the electronic communications regulatory framework, entitled "Regulatory Framework for Electronic Communications: European Union". This publication contains the revised Community framework, approved in 2009, to be transposed into the national law of each Member State by 25 May 2011.

In 2010, ICP-ANACOM also published, in paper and electronic format (available on ICP-ANACOM's website), the 2nd edition of the Manual of ITED - Infra-Estruturas de

Telecomunicações em Edifícios (Telecommunications Infrastructure in Buildings) and the 1st edition of the Manual of ITUR - Infra-Estruturas de Telecomunicações em Loteamentos, Urbanizações e Conjuntos de Edifícios (Telecommunications Infrastructure in Housing Developments, Urban Settlements and Concentrations of Buildings).

In terms of technical publications, available in electronic format only on its website, ICP-ANACOM produced the following titles:

- Evaluation study of the quality of service of broadband Internet access (produced by ICP-ANACOM - October);
- Network of postal establishments belonging to CTT - Correios de Portugal, SA, at the end of the first half of 2010 (produced by ICP-ANACOM - October);
- User evaluation of accessibility of the website of ANACOM (performed by ICP-ANACOM - August);
- International roaming - general information and specific data on the use of the service within the European Union (conducted by ICP-ANACOM - July);
- Electronic Communications Services Consumer Survey - Residential Population (performed by ICP-ANACOM - May);
- Network of postal establishments belonging to CTT - Correios de Portugal, S.A. at the end of 2009 (conducted by ANACOM - May);
- Evaluation of the QoS of voice services (GSM), video-telephony (UMTS) and network coverage (GSM and WCDMA) in major urban centres and along the main roads of the Autonomous Regions of the Azores and Madeira (performed by ICP-ANACOM - April);
- Evaluation of the QoS of voice services (GSM), video-telephony (UMTS) and network coverage (GSM and WCDMA) on the Lisbon urban rail network - Azambuja, Cascais, Fertagus, Sado and Sintra lines (performed by ICP-ANACOM - April);
- GSM/UMTS Mobile Communication Systems - Evaluation of the QoS of voice services (GSM), video-telephony (UMTS) and network coverage (GSM and WCDMA) on the Alfa Pendular (High-speed rail) service of CP (Portuguese Railways) - Braga-Porto-Lisbon-Faro railway line (performed by ICP-ANACOM - April);
- GSM/UMTS mobile communication systems - Quality of service - Evaluation of the QoS of voice services, video telephony and GSM and WCDMA network coverage in

major urban centres and along main roads of mainland Portugal (performed by ICP-ANACOM - April);

- Expert assessment of the accessibility of ICP-ANACOM's website (performed by ICP-ANACOM - February);
- Study on the take-up and impact of e.iniciativas - final report (produced by ICP-ANACOM - January).

12.4. Events and meetings

On 6 October 2010, ICP-ANACOM hosted its fourth international conference in Lisbon, on the theme "Net Neutrality - network regulation and content regulation", with 243 participants.

The goal of this conference was to promote debate on the various issues related to network neutrality, a concept linked both to the behaviour of network operators in terms of the various types of protocols, applications and content, and to access by Internet users to services and applications.

From a regulatory, market and consumer perspective, the conference addressed some of the challenges facing regulators, especially with regard to traffic management and prioritization of services, information transparency and consumer protection, regulatory intervention on an ex-post and ex-ante basis, the role of the Body of European Regulators for Electronic Communications (BEREC) and the role of the EC.

The work focused on three main themes: "New regulatory responses"; "Competition issues"; "Network management and access to content and applications". The conference was attended by speakers of recognized merit, representing a wide range of relevant institutions.

Meanwhile, in partnership with the IEEE Portugal Section, ICP-ANACOM organized the Fourth Congress of the Portuguese Committee of URSI, whose work is the responsibility of this Authority, addressing the theme of "Personal radio communication: short range networks and RFID". This Congress, which took place in Lisbon in September, was preceded by a call for papers, directed at academia, seeking the submission of works in

areas related to the event's theme. In parallel, a technical exhibition was held featuring four exhibitors.

The goals of the Portuguese Committee of URSI - International Union of Radio Science are to stimulate and co-ordinate studies, on a national basis, in the scientific fields of radioelectricity, telecommunications, and electronics. ICP-ANACOM is responsible for organizing these works.

During the Congress, awards were made of the Portuguese Committee of URSI career prize and URSI Portugal research prize, constituted in 2009.

The career prize, which honours an individual who has contributed to the advance of radio science in Portugal, was awarded to Joaquim Patrício, 89 years, who is an engineer by training and began working in radio in 1948, with a long and dedicated career.

The research prize was awarded to the work *UHF RFID Reader Antennas for Self-confined Tag Detection*, authored by Carla Medeiros, Instituto de Telecomunicações (Telecommunications Institute), selected from among four candidates. This award, worth five thousand euros, was first awarded in 2010, and aims to stimulate creativity and rigor in scientific research work in Portugal.

Throughout 2010 various workshops and seminars were held, organized and promoted by this Authority, including:

- ENISA-ANACOM Workshop on "Risk and Innovation" on 21 and 22 January, promoted in association with the European Network and Information Security Agency (ENISA). With debate focused on information security, this workshop provided an opportunity to underline the importance of security systems as a key innovation factor. This event was attended by 145 participants;
- Workshop on "R&TTE regime in Portugal - The role of supervisory bodies and of market players", held on 25 November and targeting agents responsible for putting radio equipment and telecommunications terminal equipment into service; the workshop provided opportunity for debate and clarification of the fundamental aspects of the regime and had 60 participants;

- Workshop for ITED-ITUR trainers on 19 February, held with the aim of providing training for training providers on the ITED Manual (2nd edition) and ITUR (1st edition), published in 2010. This event was attended by 65 participants;
- Seminar series on "The new ITED-ITUR regime: legal framework and technical manuals", held on 30 June in Coimbra, and on 6 July in Évora. This series, aimed at municipalities and ITED technicians, promoted debate and provided clarification of issues related to the legal regime governing ITED - Infra-estruturas de Telecomunicações em Edifícios (Telecommunications Infrastructure in Buildings) and ITUR - Infra-estruturas de Telecomunicações em Loteamentos, Urbanizações e Conjuntos de Edifícios (Telecommunications Infrastructure in Housing Developments, Urban Settlements and Concentrations of Buildings), as well as the SIC - sistema de informação centralizado (centralized information system) and the deployment of digital terrestrial television (DTT).

The "ANACOM seminars" initiative also continued in 2010, aiming to promote knowledge, discussion and debate around several themes of importance to the communications sector, through the presentation and discussion of academic and other papers or projects by national and foreign authors. Six workshops were organized on the following themes: (i) Considerations in making electronic communications accessible to all (11 February); (ii) Spectrum management: recent developments and challenges (12 March); (iii) Mobile Broadband - A substitute for fixed? (15 April); (iv) Regulating next generation access networks (21 May); (v) Dematerialization Public Administration procedures (24 June); and (vi) Postal regulation & strategy under FMO and electronic competition (19 October).

Additionally, in March 2010, ICP-ANACOM held a frequencies auction ([broadband wireless access \(BWA\)](#)), and organized thirteen technical meetings in the context of working groups and international organizations in which this Authority is a participant as part of its remit to provide representation of the communications sector, in particular, the Electronic Communications Committee (ECC) and European Committee for Postal Regulation (CERP).

ICP-ANACOM also took part in "Portugal Tecnológico 2010" (Technological Portugal), the third edition of the technology and innovation show, held on the theme "Portugal Tecnológico, leading the future". ICP-ANACOM took a presence on the Portugal Vivo

stand of the Ministry of Public Works, Transport and Communications, as part of module dedicated to Information and Communication Technologies, with two spaces:

- one presenting the "Virtual Assistant" tool on ICP-ANACOM's website (described above);
- the other, a demonstration zone, identified as "anacom.pt Eye-tracking Laboratory".

At the conference associated with this event, ICP-ANACOM held a presentation on "Accessibility and usability of institutional websites - case study www.anacom.pt", given by Luís Manuel Carriço, Associate Professor at the Department of Informatics of Universidade de Lisboa, Founder of boomUX and expert in accessibility and usability.

12.5. Campaigns

In 2010, ICP-ANACOM' re-launched the "Roaming Light" campaign from 2009, following the update of roaming tariffs and transparency solutions set out in the regulation of international roaming, which entered into force on 1 July 2010. This campaign was mainly conducted online, with an update of the information contained on the "Roaming Light", website, posting of information on ICP-ANACOM's website and the publication of advertisements in the national print press.

Following the campaign begun in 2009 to disseminate the frequencies auction (BWA), in 2010, ICP-ANACOM continued to pursue its strategy of bringing information to the market and to parties with potential interest in the auction for the allocation of rights of use frequencies in the 3.4 to 3.6 GHz and 3.6 to 3.8 GHz frequency bands for the development of broadband wireless access (BWA) applications in terms of the opening and closing of bidding.

The campaign continued in 2010 with a presence in the national print press, the chosen medium for the dissemination of this initiative.

Taking advantage of Consumer Day on 15 March and in a continuing drive to protect users of communications, ICP-ANACOM developed an awareness campaign designed to draw attention to the existence of message-based value-added services (VAS) and to the

rules which have governed the provision of such services since April 2009, giving more rights to their users.

To this end, about 52,000 leaflets were distributed nationally through CIAC - Centros de Informação Autárquicos ao Consumidor (Municipal Consumer Information Centres), as well as through consumer information and arbitration centres, justices of the peace and other relevant entities selected as special vehicles of contact with the consumer.

12.6. Sponsorship and publicity

ICP-ANACOM regularly sponsors various initiatives which support the objectives and actions of regulating the communications sector, promoting their development, the dissemination of information and discussion on topics of reference, as well as scientific research and training.

During 2010, twenty-three sponsorships were granted, mostly corresponding to specific events promoted by educational institutions and by representative bodies or bodies with relevant activity in the communications sector.

The issues addressed in sponsored initiatives were mainly focused on radiocommunications and electronic communications, and also included the information society and other topics of horizontal relevance to the sector.

Through sponsorship and cooperation protocols, partnerships were maintained with entities that contribute to the research and production of studies and knowledge about the sector, such as IJC - Instituto Jurídico da Comunicação (Legal Institute of Communication) and CEDIPRE - Centro de Estudos de Direito Público e Regulação (Centre for Studies in Public Law and Regulation).

The project "TIC Pediátrica" (Paediatric ICT) of FDTI - Fundação para a Divulgação das Tecnologias de Informação (Foundation for the Dissemination of Information Technologies) continued to receive support from ICP-ANACOM in 2010. The objective of this project is to provide the paediatric units of public hospitals with technological equipment that will provide their younger patients with the opportunity to engage in leisure activities and to keep in contact with their schools. Accordingly, it is directed not only at

hospitalized children and hospital technicians and volunteers, but also at the families of these children, assuming also an educational component.

ICP-ANACOM also continued the partnership, which it has had since 2003, with APDC - Associação Portuguesa para o Desenvolvimento das Comunicações (Portuguese Communications Development Association).

In 2010, various initiatives were sponsored as part of the activities plan of ACIST-AET Associação Empresarial de Telecomunicações (Telecommunications Business Association), continuing previous practice.

In terms of advertising presence, about a hundred proposals were examined in 2010. As a result this Authority took a presence in various newspapers, magazines and directories, with an institutional advertisement designed in line with its new image, and a "Roaming Light" advertisement. Notices were also published to give disclosure of the SIC - sistema de informação centralizada (Centralized information system) and the frequencies auction (BWA).

12.7. Institutional partnerships

As in previous years, in 2010 ICP-ANACOM maintained a number of institutional partnerships with national entities with relevance to the sector, seeking promotion of the communications sector.

These included ICP-ANACOM's activities as founder of FPC - Fundação Portuguesa das Comunicações (Portuguese Communications Foundation), with the direct monitoring of the activity of the bodies in which it is represented. In the second half of 2010, ICP-ANACOM's presence in the permanent exhibition of Museu das Comunicações (Communications Museum) was revamped, bringing it into with ICP-ANACOM's new institutional image and providing new educational and recreational activities, including an update to the "Admirável Mundo das Comunicações" game. ICP-ANACOM also sat, as usual, on the jury of the "FPC Prize".

In partnership with CTT, ICP-ANACOM participated in organizing the 2010 edition of the "Best Letter" competition targeting young residents in Portugal aged between 9 and 15.

The chosen theme of this year's competition was "Write a letter to someone to explain why it is important to talk about AIDS and to protect yourself against the disease". The prize ceremony took place during the celebrations of World Post Day on 9 October. The winning letter was sent to the Universal Postal Union (UPU) to represent Portugal in this organization's international letter-writing competition, and went on to receive an honourable mention.

In 2010, ICP-ANACOM maintained institutional relationships with various organizations, including APDC - Associação Portuguesa para o Desenvolvimento das Comunicações (Portuguese Communications Development Association), APDSI - Associação para a Promoção e Desenvolvimento da Sociedade de Informação (Association for the Promotion and Development of the Information Society), APMP - Associação de Promoção do Multimédia em Portugal (Association for Promoting Multimedia in Portugal), Obercom - Observatório da Comunicação (Observatory for the Media), API - Associação Portuguesa de Imprensa (Portuguese Press Association) and AFCEA - Associação para as Comunicações, Electrónica, Informações e Sistemas de Informação para Profissionais (Association for Communications, Electronics, Information Systems for Professionals).

12.8. Centre for Documentation and Information (CDI)

The primary objective of ICP-ANACOM's Centre for Documentation and Information is to support this Authority's staff and services, centralizing all types of publications and knowledge which is essential for staff development and which staff need to keep their knowledge up-to-date. The CDI is also open to the general public between 9am and 5pm, Monday to Friday, with visitors able to consult documentation and access the bibliographic catalogue, as well as other databases and online services. .

In 2010, the CDI received 379 enquiries from external users, including 316 telephone enquiries, 37 personal enquiries, 1 written enquiry and 25 e-mail enquiries.

The CDI has been promoting the services which it provides to the different sections of the public, through the provision of new services, with particular emphasis on access to the Online Knowledge Library (*b-on*) formalized in September 2010, enabling access to about 22,000 international scientific journals, 18,000 *e-books* and 19 content providers, covering all areas of science from major international publishers.