

REGULATION, SUPERVISION AND OTHER ACTIVITIES



2022

This report includes information on the activities carried out by the Autoridade Nacional de Comunicações (ANACOM) in 2022 and will be sent to the Assembly of the Republic and to the Government to comply with statutory obligations.

This report complements the information provided by ANACOM in other publications. We welcome comments and suggestions on the scope, content and format of the report, which should be sent to relatorio.regulacao@anacom.pt.

For additional information on ANACOM and to access this report in electronic format, please visit our website at www.anacom.pt.

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REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

ANACOM'S MISSION AND ACTIVITY

1. ANACOM'S MISSION AND ACTIVITY

1.1. ANACOM's mission

The Autoridade Nacional de Comunicações (ANACOM) is the National Regulatory Authority (NRA) in the communications sector, for the purposes of European Union (EU) law and national law, as established in its statutes and approved by Decree-Law 39/2015, of 16 March (in force since 1 April 2015). On a transitional basis, it also assumes the powers and remit of a Space Authority, under Decree-Law 16/2019, of 22 January.

ANACOM is also the central supervisory body, with powers in all areas regulated by Decree-Law 7/2004, of 7 January, which transposed into national law Directive 2000/31/EC of the European Parliament (EP) and of the Council, of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the internal market (the Electronic Commerce Directive).

ANACOM is a legal person governed by public law, with the nature of an administrative body. As such, it has administrative, financial and management autonomy, as well as its own assets, and is not subject to government oversight or supervision.

In all its regulatory activities both in the electronic, postal and space communications sector, and in the advice and assistance provided to the Government, ANACOM's mission is based on the institutional values of Independence, Transparency, Excellence and Team Culture.

In pursuit of its mission, ANACOM has been entrusted with a wide range of legal responsibilities, in particular: to further the provision of networks and services; to guarantee access to networks, infrastructure and services; to ensure the guarantee of freedom of supply; to guarantee access to the universal electronic and postal communications service; and to protect the rights and interests of consumers and other end-users. It is also responsible for contributing towards the development of the internal market for electronic and postal communications networks and services in the EU and promoting the connectivity, like also access to and use of very high capacity networks. It is also responsible for ensuring the efficient management of the radio spectrum and the supervision and coordination of civil, military and paramilitary radiocommunications, as well as the management of the National Numbering Plan (NNP), in accordance with efficiency criteria.

Accordingly, ANACOM has regulatory, supervisory, control and sanctioning powers, and is responsible for imposing obligations on companies with significant market power (SMP) and universal service providers (USP), issuing declarations and operating certificates, providing information, guidance and support to consumers and other users and assessing claims and complaints from consumers and other users when it is responsible for supervising compliance with prevailing rules, in which case it may issue recommendations or determine corrective measures. ANACOM is responsible for drawing up regulations and implementing Laws, including EU acts, as well as verifying compliance with these Laws and Regulations and its own determinations and guidelines.

In accordance with the provisions of its Statutes, as Regulator, ANACOM is responsible for promoting the extrajudicial resolution of conflicts between regulated entities and consumers and other end-users simply and expeditiously, and largely free of charge, and for resolving disputes between entities subject to its regulation.

In addition to promoting public consultation processes, ANACOM can issue determinations and recommendations on various matters related to the communications sector. Various studies and reports are published regularly, as well as statistical information, including regarding complaints received.

Lastly, ANACOM's duties also include (i) monitoring the activity of other regulatory entities and foreign regulatory experiences; (ii) establishing relations with other regulatory entities and with EU and international bodies relevant to its activity; and (iii) active participation in the activities and decisions of the European regulatory bodies.

1.2. Main activities in 2022

As also reported in ANACOM's 2022 Annual Report, the year 2022 was marked, at national level, by intense regulatory activity, complemented by a series of interventions by ANACOM in advising the Government. Of particular note was the monitoring of the implementation of 5G in Portugal, with 5,842 base stations using that technology being installed by the end of 2022. Approval was also given to the Strategic Spectrum Plan, drawn up after consultation with the market, which lays out ANACOM's strategic vision on the availability of frequencies for civil radio services/applications for the future. Also, in terms of spectrum management, market consultations were carried out on the availability of spectrum in the 1500 MHz, 26 GHz and 700 MHz bands.

In terms of market regulation, mention should be made of the downward revision of the monthly prices of the reference conduit access offers (RCAO) and reference pole access offers (RPAO) and the decision regarding changes to those reference offers.

In 2022, ANACOM continued awareness-raising and information initiatives aimed in particular at local authorities on the implementation of electronic communications networks and respective infrastructures, in particular 5G, with a view to the harmonisation of procedures, as well as to encourage the reduction of base station installation fees and their harmonisation at national level.

ANACOM's interventions in the field of protecting users' interests should also be noted, in particular taking into account the increase in inflationary pressures in Portugal and the consequent increase in the cost of living, which is unprecedented in recent history. A recommendation was adopted, addressed to providers of electronic communications services, urging them to consider the impact of their pricing policies on households when updating tariff prices for new subscriptions and reviewing prices for contracts in force.

With regard to the Open Internet, there was the approval of a draft decision (adopted in 2023) ordering Open Internet service providers (OISP) to cease zero-rating and similar offers that discriminate, based on commercial factors, between traffic related to zero-rated applications and remaining traffic.

In 2022, the social Internet tariff (SIT) for the provision of broadband access services came into force, as created by Decree-Law 66/2021, of 30 July, with ANACOM having proceeded with (i) verifying the compliance of tariffs made available by companies offering this type of service with the approved technical and price conditions, as well as (ii) the development of the SIT management platform, to verify the eligibility conditions of potential beneficiaries of this tariff.

ANACOM has been monitoring subscriptions to the SIT since its launch, and promoted a wide-ranging information campaign with the press, radio and universities with the aim of publicising to consumers the conditions for accessing the aforementioned tariff.

Under the ambit of the exercise of its supervisory powers, ANACOM devoted particular attention to verifying compliance with the obligations of the legal arrangements regarding the construction of infrastructure suitable for hosting electronic communications networks and the installation of electronic communications networks, carrying out supervision of the

Suitable Infrastructure Information System (SIIS) – fundamental to enable the sharing of infrastructure and to facilitate the installation of the operators' networks. Along the same lines, inspections were carried out in conjunction with providers of postal and electronic communications services operating in the market, including with regard to obligations arising from the renewal and allocation of rights of use of frequencies in the 2100 MHz band following the multi-band auction, and audits of the security of networks and services, under the terms of the Security Regulation.

ANACOM continued the development of the Supervision, Inspection and Sanctioning (SIS) Project, which focuses on the legislative simplification, modernisation and procedural digitisation of the supervision, inspection and sanctioning activities carried out by the Authority. The objective of this project is for all activity carried out by ANACOM's supervisory area, including interaction with stakeholders, to be carried out electronically in the future. In this context, we highlight the implementation of a digital platform that, since the end of 2022, has allowed the electronic processing of ANACOM administrative-offence proceedings.

With regard to regulatory matters, in 2022, regulatory procedures were initiated or a set of draft regulations were approved, among which the following are of particular note:

- The Draft Regulation on the designation of a numbering range for the provision of the transmission service used for the provision of machine-to-machine (M2M) services;
- The initiation of the procedure to amend Regulation 99/2009, of 23 February, on providing the authorities responsible for emergency services with information on the location of the person who makes the call to the single European emergency number 112 (Regulation 112L), adapting it to the legal framework in force and the technological evolution foreseen for the next generation of this service;
- The start of the procedure to amend Regulation 255/2017, of 16 May - Regulation on the provision of information of a statistical nature (hereinafter "Regulation 255/2017"), as approved by decision of the Management Board of ANACOM, by decision of 23 August 2022. This amendment process took into account the development dynamics of the electronic communications sector, the market and available technologies since the entry into force of Regulation 255/2017 and thus sought to adapt the information collected to current needs (including requests for information from national and international bodies, and requests for information from other EU NRAs, to which ANACOM is obliged to respond).

In the context of the Universal Postal Service (UPS), the entry into force, on 8 February 2022, of the new concession contract, concluded between the Portuguese State and CTT – Correios de Portugal (CTT), establishing the criteria to which the pricing of the postal services that make up the aforementioned universal service must comply, for a period of 3 years, by agreement to be signed between ANACOM, the Directorate-General for the Consumer (DGC) and CTT, as a provider of the UPS. This Agreement was signed in July 2022, with CTT presenting a price update proposal, to be in effect for the year 2023, as of 01.03.2023, complying with the principles and criteria for price formation as defined in the Agreement.

With regard to the preparation of draft legal texts, reference should be made to the submission to the Government of a draft amendment to the rules for amateur radio, with the aim of contributing to its respective development. ANACOM has considered the promotion and enhancement of this activity to be particularly important, particularly among younger generations.

ANACOM imposed fines, in an overall amount of more than 15 million euros, on the four main electronic communications operators - MEO Serviços de Comunicações e Multimédia (MEO), NOS Comunicações (NOS), Vodafone Portugal – Comunicações Pessoais (VODAFONE) and Nowo Communications (NOWO) - for having adopted conduct likely to violate the legal rules applicable to the communication of changes in contracted prices in relation to a large number of subscribers (which resulted in the commission of serious administrative offences) and for having failed to provide information to ANACOM.

With regard to the coverage of public very high capacity electronic communications networks, ANACOM launched two public consultations under the ambit of its functions of assisting the Government, on the parts of the public tender procedure to be carried out for the installation, management, operation and maintenance of these networks in geographic areas of the national territory where there is no coverage, known as white spots, as identified by ANACOM through a detailed mapping of coverage of the entire national territory.

As provided for in Decree-Law 40/2022, of 6 June, ANACOM prepared and sent to the Government the draft ordinance that defines the technical specifications of the information to be uploaded on the platform and the information of fixed and mobile networks to be transmitted by operators of electronic communications networks. At the end of 2022,

ANACOM launched the Geospatial Platform [GEO.ANACOM](https://geo.anacom.pt), an application solution that offers the user a portfolio of functionalities that operate on available geographic data, from detailed information searches, the production of heat maps, clusters, to map printing, among others. It is a unique, corporate and collaborative geospatial solution from ANACOM, which aims to integrate all geographic information available within the organisation and establish connections with external information sources. It allows the consultation of information on electronic communications and postal services in a geographic, georeferenced and user-friendly format, on any device. It also allows anyone to visualise, analyse and interpret geographic data and maps, navigating through the several types of information on an interactive map in a very intuitive way.

At European level, ANACOM's actions were focused on discussing the new legislative framework for the digital economy, with particular emphasis on the Digital Markets Act (DMA), as published in the Official Journal of the European Union (OJEU), on 12.09.2022, and for the Regulation of Digital Services (Digital Services Act – DSA), as published in the OJEU, on 27.09.2022. In this context, ANACOM actively participated in the discussion of these two draft Regulations, with the Authority participating in several meetings with the European Commission (EC) for the implementation of the DSA in Portugal, where, among other aspects, the information sharing tool was debated. ANACOM was also one of the bodies that took on the role of ensuring national representation on the Digital Services Committee (DSC), from the end of 2022, and in the Digital Services Experts Group, from the beginning of 2023. Additionally, ANACOM contributed towards negotiations and discussions of the EC proposals for Data Regulation and Artificial Intelligence Regulation.

ANACOM also plays an important role in monitoring EU programmes that are intended to contribute towards the development of the information society in Europe, such as the Digital aspect of the Connecting Europe Facility (CEF Digital) and the Digital Europe Program (DEP), as approved under the new multiannual financial framework (MFF) of the EU 2021-2027 (MFF 2021-2027). National coordination of promoting the use of European funds and programs is the responsibility of the Portugal in Europe Research and Innovation Network (PERIN), the mission of which is to intensify and double Portugal's participation in the MFF 2021-2027. In this context, in 2022, ANACOM maintained a role in the dissemination of information on CEF Digital and the DEP, promoting, in collaboration with the EC, information and clarification initiatives on the CEF Digital and DEP, namely regarding the opening of calls for proposals for funding.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

COMMUNICATION WITH STAKEHOLDERS

2. COMMUNICATION WITH STAKEHOLDERS

ANACOM considers that clear communication with all stakeholders (regulated companies, users of communications services, consumers, local authorities, the Assembly of the Republic, the Government, the Courts, Municipal Consumer Information Centres and Consumer Arbitration Centres, among others) is of great importance to the successful pursuit of its mission and activities. To ensure this communication link with the mentioned entities, in particular with consumers and users, the Authority operates on multiple platforms and uses different forms of publicising information.

Similarly, ANACOM enables users and consumers to make choices that are more in line with their needs and ensures the protection of their rights and interests. Continuing its investment in communication with stakeholders, in 2022, new forms of communication were launched and a strong investment was maintained in the production of multimedia content, such as the ANACOM Podcast, videos, digital guides and infographics.

2.1. Institutional website

On its website (www.anacom.pt), ANACOM provides a wide range of information, in particular: its founding diploma and statutes, the composition of its bodies, plans and budgets, reports and accounts, and also the regulations, decisions and general instructions it issues. ANACOM also publishes on its website the public consultations it organises, the contributions received and the respective reports, as well as statistical information, studies and national and EU legislation relevant to the sectors it regulates. Information on the international activity it promotes and in which it participates is also published.

In 2022, ANACOM's website registered 887 544 users and reached 1 912 517 page views, returning to the levels recorded in the pre-pandemic period. In 2020 and 2021, the website had seen sharp growth in the number of visits and page views, a fact that is attributed to the context of greater social isolation and a major proliferation in terms of legislation, which led to greater demand for up-to-date information.

In terms of content, 4006 new posts were produced and edited (3339 in Portuguese and 667 in English), specifically news, press releases, decisions, public consultations, events, government procurement, legislation, summary of international activity, statistical information and sectoral publications, among others.

ANACOM remains committed to simplifying the consultation of information by users through a responsive design that allows the site to automatically adapt to all types of devices, respecting best practice in terms of usability and accessibility.

2.2. Public consultations

Public consultations represent the instrument par excellence for communicating with the market. Through them, the Regulator makes known its positions and receives contributions before taking final decisions, in a process that contributes to regulatory predictability. Given that the Regulator's decisions have an impact on people's and companies' lives, it is important that they become familiar with the rationale behind these positions as soon as possible and are given the opportunity to comment and make contributions towards. This instrument is promoted in conjunction with the general consultation procedure provided for in Law 16/2022, of 16 August (Electronic Communications Law – ECL), as well as in accordance with the provisions determined by the Constitution of the Portuguese Republic (see Article 268(1)) and by the Code of Administrative Procedure (CAP), general law applicable to all administrative activity and also observing the provisions of ANACOM's Statutes (see Article 6(1)(m)).

Dissemination of public consultations was intensified through communication with a series of entities considered relevant under the ambit of each consultation, as it is understood that broad participation enriches the range of opinions on which the national regulatory base will be built, which will, in some cases, have a significant international impact.

A total of 14 public consultations were launched over the course of the year. Under the ambit of the actions implemented in order to increase the respective responses, around 15 000 entities identified as relevant were contacted, and the necessary notifications were made to the interested parties.

2.3. ANACOM Consumer Portal

ANACOM's consumer portal (<https://anacom-consumidor.pt/>) continued its mission to provide consumers with information on communications services. Using simple and easily understood language, the various contents made available there seek to answer consumers' most frequent questions, specifically through an intelligent system of questions and answers that facilitates the process of searching for information – “Ask ANACOM.”

Likewise, videos and podcasts to clarify the most common questions of users of communication services, practical guides on the main themes of the sector, infographics, explanatory areas on more complex or more technical subjects, drafts for lodging complaints, as well as the contact details of the different operators and support entities, accompanied by hyperlinks to relevant pages, such as forms for cancelling contracts. The Consumer Portal also publishes on a daily basis all news and events that impact the lives of consumers of communication services, in particular the actions taken by ANACOM with the aim of protecting their rights and interests.

Through the Consumer Portal, ANACOM provides other useful tools that allow consumers to find answers to some of their queries, such as the tariff comparison tool “[COM.escolha](#)”, the Internet access speed meter “[NET.mede](#)”, and “[tem.REDE?](#)”, a tool that provides information on the network coverage of mobile operators within national territory.

In 2022, 143 news items were produced on topics of interest to consumers. Also noteworthy is the review of all frequently asked questions on consumer matters resulting from the entry into force of the new ECL. The consumer guides “Connecting to the Condominium” and “COVID-19 Special Edition” were updated and two new guides were published on the “Social Internet Tariff” and “Eco-Security and Mobile Networks: Facts, data and challenges on health and sustainability”.

In 2022, 749 933 visits were registered (up 5.09% on 2021), by 637 650 users (7.49% more) and the number of views reached 1 119 million.

2.4. 5G Portal

In 2022, the 5G Portal (www.portal5G.pt), launched by ANACOM in 2020, continued its mission to provide the general public with information considered relevant regarding the development of 5G in Portugal.

In the wake of Resolution of the Council of Ministers 7-A/2020, of 7 February, which approved the strategy and timetable for the distribution of the fifth generation of mobile communications for Portugal, the 5G Portal is intended to be a meeting point for stakeholders in the 5th generation of mobile communications. Under a strategy of continuous improvement and incorporation of best practice, it welcomes content and contributions from civil society, industrial communities, local authorities and the scientific and technological system. It intends to convey clear, transparent and concise information

on 5G, identifying the potentialities/advantages associated with the development of 5G networks and services, as well as the respective challenges.

In 2022, the 5G Portal recorded 32 607 visits from 24 192 users.

2.5. ANACOM Communication

- **Social networks**

ANACOM has accounts on the social networks [Twitter](#), [LinkedIn](#) and [YouTube](#), which help to bolster the dissemination of information published on its web platforms. In 2022, disclosure on social networks accompanied the publication, whenever relevant, of the headline news features:

- *Twitter*: 331 *tweets* (58 more than in 2021, in which 273 *tweets* were published).
- *LinkedIn*: 331 *posts* (65 more than in 2021, in which 266 *posts* were published).

The social network *LinkedIn* has proven to be more dynamic, registering 25% growth in the number of followers in 2022, to 10 257. The number of followers on the Twitter network remained constant at around 60,000. In turn, 45 videos were uploaded to ANACOM's [YouTube](#) channel which garnered 31,182 views. There was a decrease in the number of videos hosted on *YouTube* due to the adoption of the *Microsoft365 "Stream"* platform as the prime channel for hosting ANACOM's internal videos.

- **Notícias ANACOM Newsletter**

Launched in March 2021, the bimonthly newsletter [Notícias ANACOM](#) had, by the end of 2022, already been published 43 times and saw its subscriber base increase by 7.35%, to 1 458 subscribers, compared to 2021.

- **Media presence**

ANACOM maintained a regular presence in the [media](#) (television, radio and the press) to publicise ANACOM decisions that had an impact on the market and on consumers, so as to contribute towards an improvement in digital literacy. This presence resulted in the release of various press releases and the presence of different ANACOM officials in various media interviews. On television, it participated in the programmes "Jornal da Noite" on SIC,

“Primeiro Jornal” on SIC, “Telejornal” on RTP Açores and RTP Madeira, and “Madeira Viva” on RTP Madeira. On the radio, it featured on Antena 1 and 2, TSF, Renascença and Antena 1 Madeira. Also, various news items were published in the press.

- **Multimedia content production**

Considering the importance of disseminating information to the market and consumers for the protection of their rights, in 2022, a strong investment was made in the production of multimedia content. Continuity was given to consumer communication channels such as the ANACOM Podcast, thematic videos, digital guides and campaigns. New forms of communication with consumers and society in general were also launched, such as the ANACOM VideoCast, which aims to publicise worthy initiatives by civil society in terms of consumer protection.

- **ANACOM podcast**

Launched on 5 October 2021 in a bimonthly format, 28 episodes have already been recorded and with the aim of publicising topics of relevance to consumers and useful tips for solving problems with communications, as well as making ANACOM’s activities known to a wider audience. The ANACOM Podcast is available on the ANACOM website and Consumer Portal, as well as on the Spotify, Anchor, Google Podcasts, SoundCloud and YouTube platforms.

In 2022, 23 Podcasts were published that addressed different subjects relevant to consumers. Particularly noteworthy is the Podcast on the new ECL. In this episode, the main changes for consumers introduced by the new Law were addressed, offering important information about their rights and obligations in relation to communications services.

Other Podcasts that deserve special mention were those that addressed the “obligation to provide consumers with a summary of the contract”, the “rules in force for distance contracts”, “tips for how to proceed when it is not possible to solve problems with the operators”, “advice on resolving faults”, or “situations in which contracts can be cancelled without penalty”.

- **ANACOM videocast**

The channel “In conversation with...”, in Videocast format, was launched on 1 August 2022 and already has a total of 4 episodes and an equal number of studio interviews. The main objective of this channel is to publicise meritorious consumer protection initiatives in society. During 2022, ANACOM was “In conversation with...” the Consumer Arbitration Court (CIAB) of the districts of Braga, Viana do Castelo and Vila Real, the Support Network for Indebted Consumers (also under the CIAB), the European Consumer Centre in Portugal (ECC Portugal), and with the *Ius Omnibus* Association.

2.6. Digital guides

Two new practical guides were developed with information aimed at the consumer and made available in electronic format:

- Social Internet Tariff;
- Eco-security and Mobile Networks: Facts, data and challenges on health and sustainability.

The guides “Connecting to the Condominium” and “COVID-19 Special Edition” were also revised.

2.7. Information campaigns

In 2022, two information campaigns were launched:

- On the SIT, with the aim of disseminating to consumers the conditions for accessing this tariff, which aims to allow families on low incomes or those with special social needs to access fixed or mobile broadband Internet services;
- On the installation of 5G stations, aimed at entities contemplated in the 5G auction regulation (Regulation 987-A/2020, of 5 November), with the aim of publicising the advantages and time frames for requesting the installation of macro base stations and outdoor small cells, allowing them to take advantage of all the potential of 5G.

2.8. Furthering knowledge about regulation and the sector

ANACOM collects and disseminates a vast array of information to further knowledge about regulation and the regulated sectors, regularly publishing statistical reports on the development of different services (electronic communication services and postal services) and on complaints. As a rule, it carries out studies and organises seminars and clarification sessions in which various topics are discussed with the various stakeholders, allowing knowledge of regulated sectors to be improved and enhancing the quality of the decision-making process.

In 2022, ANACOM held the following events:

- “Smart Cables in a Sea of Connectivity, Serving Science and Populations” session (March);
- Session “SMART Submarine Cables in a Sustainable Ocean: Global Ocean Observation for Climate Monitoring and Disaster Risk Reduction” (June);
- 16th Congress of the Portuguese Committee of the International Union of Radio Science (URSI) (November).

ANACOM also participated in various initiatives, enumerating its understanding of various matters relevant to regulation and the regulated sectors.

2.9. Grants and Awards

Pursuant to [Law 64/2013, of 27 August](#), which regulates the obligation to publicise the benefits granted to individuals, ANACOM published on its website and sent to the General Inspectorate of Finance (IGF) a list of [grants](#) awarded in 2022 under the ambit of its powers.

In 2022, the following awards were given:

1. “Best Student Paper Award”, at the 16th Congress of the Portuguese Committee of the URSI;
2. “Best research projects in the categories: innovation, sustainability and social responsibility“ award at the 16th Congress of the Portuguese Committee of the URSI;
3. The “ANACOM-URSI Portugal Award”, at the 16th Congress of the Portuguese Committee of the URSI;

4. ANACOM “Spectrum Signature” award, in the 3rd edition of the European Rocketry Challenge (EuRoC'22).

2.10. Relationship with other entities

ANACOM continued to foster relationships with various entities, such as local authorities, academia and associations (the Association for the Promotion and Development of the Information Society – APDSI, the Portuguese Association for the Development of Communications – APDC, AFCEA Portugal and the Portuguese Association for Quality – APQ, and participates in the meeting of the Advisory Board of the Regulatory Authority for the Media (ERC) and “.PT – Domains of Portugal”.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

PROTECTION OF CONSUMER INTERESTS AND RIGHTS

3. PROTECTION OF CONSUMER INTERESTS AND RIGHTS

Under the ambit of its statutory powers, ANACOM is responsible for protecting the rights and interests of consumers and other end-users of communications services, ensuring that they enjoy these services under the best conditions and are protected from unfair or less transparent practices, while at the same time fostering competition in the sector.

ANACOM's initiatives in this area with a view to pursuing the aforementioned objective are highlighted below.

3.1 Correction of contractual clauses

ANACOM analysed the clauses included in the contractual templates used by service providers with the largest market share in relation to price changes and other contractual conditions, and adopted corrective measures in relation to the contracts in use by NOS and MEO, by decisions of 25.10.2022, with a view to making the aforementioned clauses more transparent and predictable, in particular allowing end-users to identify the reference period of the consumer price index to be used for the purpose of periodically updating prices.

3.2 Recommendation for mitigating the impact of the rising cost of living on access to electronic communications services

In view of the escalation of prices witnessed throughout 2022, and considering that there are important economic and social reasons that should be properly considered by the companies in the sector with respect to potential revisions of the prices of electronic communications services to be carried out at the turn of the year, by decision of 25.10.2022, ANACOM approved a recommendation addressed to companies that offer publicly available electronic communications services with a view to mitigating the impact of the rise in the cost of living on access to electronic communications services. ANACOM has noted that very significant increases in prices are disruptive for consumers, and abrupt changes in tariff conditions should be avoided. ANACOM recommended that said companies should ensure that, under the ambit of the applicable legal and contractual rules, any price increases, whether in relation to tariffs available to new subscribers or contracts in force that are to be implemented in the coming months should take due account of the social and economic scenario in the country, in order to ensure effective access for end-users to the service. The particular importance of communicating to consumers information regarding less expensive or more suitable offers was also highlighted.

The adoption of several other measures aimed at supporting consumers was also recommended, namely, the non-charging of early termination fees to consumers who terminate their contracts to subscribe to the SIT; contractual reduction without penalty; encouraging the conclusion of agreements with a view to the payment of bills in instalments; provision of tariff advisory services; the availability of basic offers, without additional attributes not valued by consumers; and improving the attractiveness of stand-alone offers.

3.3 Mobile network coverage – tem.REDE?

The “tem.REDE?” app provides information on the mobile network coverage of the operators MEO, NOS and VODAFONE, allowing any user to find out where the operators have coverage to provide mobile “Voice, Short Message Service (SMS) and Multimedia Messaging Service (MMS)” and “mobile data” (download) services within national territory. In the case of mobile virtual network operators (MVNO), the coverage information corresponds to that of the respective support operators (Lycamobile, which is supported on the VODAFONE network; NOWO, which is supported on the MEO network; ONI, which is supported on the MEO network, and only provides business solutions).

This application allows you to check whether you can make a call without interruptions or interference, send SMS, MMS or use mobile data to make voice or video calls, browse, stream video and music, and play online games. The information made available on the coverage of mobile operators’ networks is based on criteria defined and agreed between the operators and ANACOM.

“tem.REDE?” is the first app of its kind in Portugal, supported by information provided by MEO, NOS and VODAFONE and is available on the ANACOM website and Consumer Portal. The initiative for this application is included under the SIMPLEX programme. In 2022, the development of this app continued, which will allow its optimised use not only on desktops, but also on any mobile device, in 2023.

3.4 ANACOM’s Geospatial Platform

ANACOM’s Geospatial Platform, known as [GEO.ANACOM](#), provides access to a very wide range of information, namely:

- Mobile broadband coverage;

- Fixed broadband coverage;
- Complaints and requests for postal services and electronic communications;
- Amateur and amateur satellite service;
- Postal services.

The information provided offers answers to practical, day-to-day questions, such as finding out which operator provides the best mobile broadband coverage, quality of service and fixed broadband coverage at a given location.

This platform comprises three geographic display portals: the Internal Portal; the SIIS Portal - Suitable Infrastructure Information System (SIIS); and the Public Portal.

- **Internal Portal**

The Internal Portal, launched on 28 November 2022, aims to aggregate, on a single map with multilayer representation, ANACOM's entire collection of georeferenced information, along with other sources of external information. It is presented as a living atlas, revealing patterns and trends, supported by an interconnected network producing knowledge and sharing that same knowledge. The Internal Access Portal, reserved for ANACOM members, currently provides 120 layers of information¹, 30 of which can be consulted by the general public.

- **Suitable Infrastructure Information System (SIIS) Portal**

The new SIIS Portal, launched on 20 December 2022, is a solution that allows those who need to install communications networks to find those who own infrastructure capable of hosting them. This sharing enables cost savings and speeds up the deployment of communications networks, contributing to the country's development, to the benefit of all.

The portal also works as an important planning tool at national level, allowing:

¹ An information layer is understood to be a set of data on a given theme represented, or likely be represented, on a map. The information layers made available on the GeoSpatial Platform include all information from the different organisational units that can be georeferenced. These layers are structured by thematic area, and are dynamically updated. For example, regarding Postal Services, we find various layers of information represented: *Post Stations*, *Post Offices*, *Post Boxes* and *Mailboxes*, among others.

- The display of maps of georeferenced information regarding existing infrastructure;
- The publication and display of construction notices;
- The consultation of procedures for accessing and using infrastructure;
- The consultation of the conditions for granting rights of way for the construction of infrastructure.

Currently, 459 user entities are accredited on the portal, with a total of 1,469 users and about 7.7 million data on [suitable infrastructure](#).

The SIIS resulted from the provisions of Decree-Law 123/2009, of 21 May, with the wording given by Law 47/2013, of 10 July, and as amended by Law 82-B/2014, of 31 December (hereinafter, Decree-Law 123/2009). With the development of ANACOM's Geospatial Platform, the SIIS Portal now benefits from a new geographic information system architecture and technology fully integrated into that platform.

- **Public Portal**

The Public Portal currently has more than 30 information layers available, which can be consulted in various geographical administrative units in Continental Portugal and the Autonomous Regions.

3.5 Installation of a transmitter to correct DTT coverage problems

Under the ambit of the process for migrating the terrestrial digital television broadcasting service (DTT) network operated by MEO, as holder of the Right of Use of Frequencies (RUF) ICP-ANACOM 06/2008, to the sub-700 MHz band, ANACOM received complaints from residents of Baião, in the parish of São Marcos da Serra, in the municipality of Silves, alleging that there had been a deterioration in the quality of access to the DTT service in their homes.

In this context, on 6 April 2022, the final decision was approved on the proposal presented by MEO to remedy the lack of coverage of the DTT service, by terrestrial means, at that location, in compliance with [ANACOM's decision of 9 April 2020](#), which consists of installing a new transmitter in Fóia to broadcast on channel 28.

3.6 Performance evaluation of mobile services and GSM, UMTS and LTE coverage

Under the ambit of supervision activities, ANACOM has carried out mobile network coverage studies (Quality of user experience - QoE), in municipalities flagged as having deficient areas or greater shortcomings in terms of quality of service. The studies aim to simulate the experience that any consumer has when using their operator's network, namely in terms of the existence of a network signal, for making voice calls and data sessions ("Internet access").

These studies consist of carrying out measurement campaigns to assess users' experience in terms of accessibility to 2G, 3G, 4G and 5G services of the mobile communications systems of the operators MEO, NOS and VODAFONE. For this purpose, information is collected and classified with regard to the quality of the signal and the technology used, the degree to which voice calls are successfully made and "Internet access" speeds in terms of download, upload and latency times. All this information is presented in a georeferenced way, on maps of the territory that identify the performance of the various mobile networks and the opportunities for improvement identified.

In addition to the obvious benefits that this type of study offers consumers and end-users, the results of this activity also represent a significant contribution that ANACOM makes to the sector, in particular because they identify the places where investment in mobile network infrastructure is a priority, in order to correct the current asymmetries and fulfil the established coverage obligations.

During 2022, 32 studies were carried out in the municipalities identified in the maps shown below, tending to cover low-density areas.

Figure 1 - QoE mobile network coverage studies, carried out in municipalities in Continental Portugal flagged as having deficient areas.

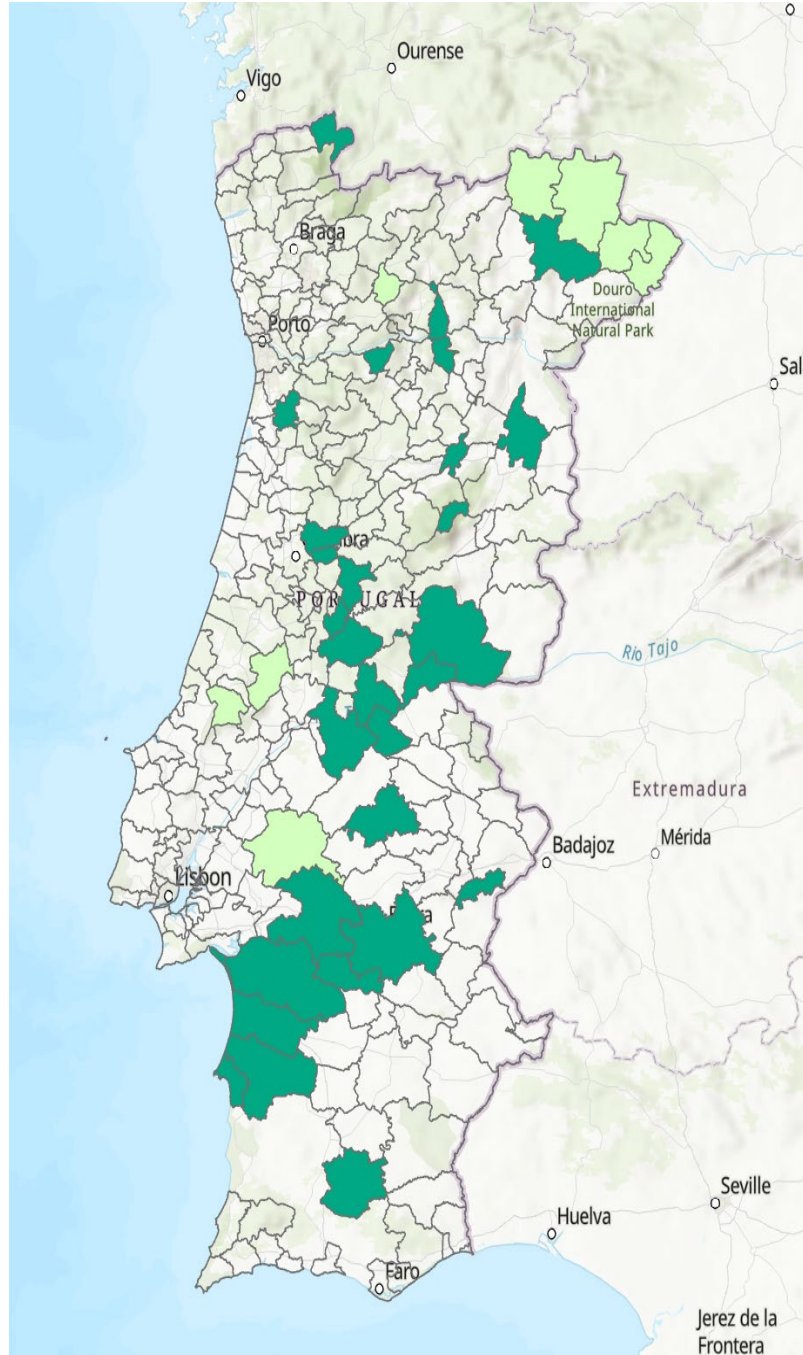


Figure 2 - QoE mobile network coverage studies, carried out in municipalities in the Autonomous Region of Madeira flagged as having deficient areas.

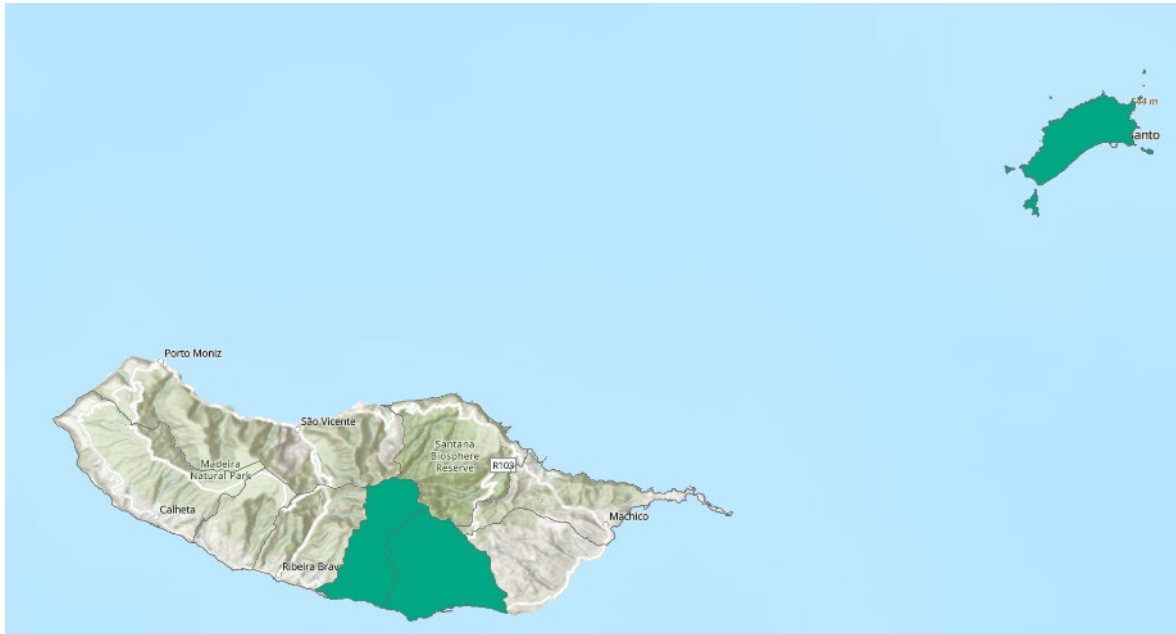


Figure 3 - QoE mobile network coverage studies, carried out in municipalities in the Autonomous Region of the Azores, flagged as having deficient areas.



Legend: in dark green, municipalities with a QoS study carried out in 2022; in light green, municipalities with a QoS study carried out before 2022.

This is work that started in 2020 and was carried out until the end of 2022, a total of 41 studies. Also worthy of note was the carrying out of QoE coverage studies on railway lines

supporting the Comboios de Portugal - CP Intercity service, as well as on the navigable Douro River and in the Serra da Estrela. The results were made publicly available on the ANACOM website.

3.7 More streamlined NET.mede, with additional information

ANACOM ensured the availability of NET.mede, an application that allows users to test the speed of Internet access, fixed and mobile (also 5G), via computer, smartphone or tablet. The tests can be performed using a browser or application for Windows, macOS, Android and iOS systems.

In 2022, users of the NET.mede service carried out a total of 743 000 tests on the speed of Internet access. Around 3 000 of these tests were carried out using the NET.mede application, on the 5G mobile network.

In the last quarter of 2022, work began on implementing a mechanism for collecting coverage information – date, location, ISP, type of network and signal level – through NET.mede. The purpose of this project is to disseminate information on mobile network coverage, through the statistical processing of the data collected.

3.8 COM.escolha tariff comparison mechanism

COM.escolha is a tariff comparison tool made available by ANACOM, which enables consumers to find out about the various offers on the market and the conditions under which services are provided, thus contributing towards more informed choices. This comparison mechanism allows consumers to consult tariffs/offers simply and quickly, as well as simulate consumption of Internet, mobile or fixed telephone and television services, individually or as part of a package, to check which offers are best suited to their consumption profile. This tool can be accessed through ANACOM's Consumer Portal.

In 2022, the tariff comparison mechanism COM.escolha received a total of 31 819 visits (43.7% down on 2021), from 27 595 users (44% fewer than in 2021). The most commonly used feature was the consultation of tariffs, in particular the consultation of tariffs for services on mobile phones, with 11 552 accesses, and the consultation of tariffs for Internet services, with 9 330 accesses.

3.9 Consumer support

ANACOM provides telephone, face-to-face and written assistance service for consumers and other users of communications services. In 2022, around 18 500 requests (requests for information and complaints) were received through this service. Complaints made up the vast majority of these requests, accounting for 67% of all contacts. Electronic communications dominated contacts with ANACOM's customer service, accounting for around 80% of requests. The most commonly used means of contact were the telephone, which accounted for 44% of all requests, and email, which comprised 31% of the total. The average response time to written requests was 8 working days.

3.10 Consumer information on the Electronic Communications Law (ECL)

With the entry into force of the new ECL, on 14 November 2022, ANACOM made information regarding their new rights available to consumers. To this end, around 250 frequently asked questions on ANACOM's Consumer Portal were reviewed and updated and a wide range of content was produced for various communication media.

Training on the new ECL was also organised aimed at Consumer Arbitration Centres (CACC), Municipal Consumer Information Centres (CIAC) and other relevant entities, in which more than 80 people participated.

3.11 Arbitration of consumer disputes

- **Knowledge platform for consumer dispute arbitration and e-learning programme**

Under the ambit of its legal and statutory duties, ANACOM is responsible for advocating the extrajudicial resolution of disputes between the entities subject to its regulation and consumers and, in particular, ensuring its specialisation in the communications sector. Under the framework of the co-operation and funding agreements signed with the CACC under Law 144/2015, of 8 September (RAL Law), ANACOM assesses the activity and determines the annual funding of each Centre. The main indicators for evaluating the quality of the services provided by the Centres are related to the average time it takes to process cases, the disclosure of arbitral awards and free access to the services for consumers.

In this regard, the Knowledge Platform for Consumer Dispute Arbitration deserves special mention. This is an ANACOM project, completed in 2022, which aims to create a space for

sharing information and knowledge, training and co-operation, as well as increasing efficiency and simplifying the relationship between ANACOM and the CACC with which the Authority entered into co-operation and funding agreements, under the RAL Law.

As part of the development of this Platform, an online Training Plan on electronic communications (e-learning programme) was drawn up. This online training fulfils, in a more flexible way, the obligations laid down in the co-operation agreements signed between ANACOM, which is obliged to provide basic training on the sectors it regulates, and the CACC, which must guarantee that a percentage of their staff undergoes this training annually.

With the development of these projects and with regard to the communications sector, ANACOM contributes towards the following objectives under the ambit of protecting service users and promoting alternative dispute resolution:

- To optimise compliance with the obligations of ANACOM and CACC, under the ambit of the agreements signed between these entities;
- To promote the continuous improvement of the information and dispute resolution service provided to consumers;
- To enhance the production and sharing of information on consumer rights, consumer experience and conflict resolution;
- To improve the quality of information available on conflict resolution;
- To facilitate the flow and channels of consumer-related information between the various entities that play a role in the communications sector; and
- To centralise information related to conflict resolution.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

REGISTRATION OF ENTITIES

4. REGISTRATION OF ENTITIES

ANACOM is responsible for maintaining, updating and disclosing records of entities subject to its regulation, in particular:

- a) The registration of companies offering electronic communications networks and services, pursuant to Article 21-A of the former ECL and, with effect from 14 November, Article 19 of the new ECL, as well as Regulation 6/2018, published on 5 January;
- b) The registration of postal service providers, pursuant to Article 26 of the Postal Law, as well as Regulation 851/2018, published on 21 December; and
- c) The registration of audiotext service providers and value-added service providers based on message uploading, under the terms set out in Article 4 of Decree-Law 177/99, of 21 May, in its current wording.

By maintaining these records, ANACOM ensures not only the collection and management of information necessary for the pursuit of its regulatory and supervisory duties and the monitoring of trends in the sector, but also the disclosure of the entities operating in the market and their activity, right away through its website.

On 31 December 2022, 273 entities were registered on the aforementioned registers, including:

- a) 154 entities on the register of companies offering electronic communications networks and services (an increase of 9.2% in relation to the number registered on 31 December 2021, compared to an increase of 3.7% reported between 31 December 2020 and 31 December 2021);
- b) 98 entities on the register of postal service providers (an increase of 4.3% in relation to the number registered on 31 December 2021, compared to an increase of 5.6% reported between 31 December 2020 and 31 December 2021); and
- c) 21 entities on the register of audiotext service providers and providers of added value services based on message uploading (a decrease of 8.7% in relation to the number registered on 31 December 2021, compared to a decrease of 8.0% recorded between 31 December 2020 and 31 December 2021).

			Mobile telephone service
			Nomadic telephone service
			Internet access at a fixed location
			Mobile Internet access service
			Messaging service (SMS/MMS)
			Data transmission service to support M2M/IoT services
			Television or radio signal distribution service
	NXO France	France	Telephone service at a fixed location
	EuroSkyPark GmbH	Germany	Data transmission service to support M2M/IoT services
	Script Coordinate, Unipessoal, Lda	Portugal	Public electronic communications network
			Internet access at a fixed location
			Data transmission service to support M2M/IoT services
			Television or radio signal distribution service
			Virtual Private Networks (VPN) service
			High quality service at a fixed location (access and leased lines)
			Traffic transport service
		Telephone service at a fixed location	
	Worldvu, Unipessoal, Lda	Portugal	Satellite mobile communications network
			Satellite fixed communications network
			Satellite communications service
	GoTo Technologies Ireland Unlimited Company	Ireland	Nomadic telephone service
	Serveis Innubo, SL	Spain	Telephone service at a fixed location
	Aircall	France	Telephone service at a fixed location
			Nomadic telephone service
	Transaction Network Services, SAU	Spain	Data transmission service to support M2M/IoT services
	Assimilated Communications, Unipessoal, Lda	Portugal	Mobile telephone service
			Mobile Internet access service
			Messaging service (SMS/MMS)
Postal services	Here We Go Again Express, Lda	Portugal	Basic postal service (outside the scope of the universal service) and express mail, national and international postal parcels
	Moreoptions, Lda	Portugal	Postal service for express mail, correspondence, catalogues, books, newspapers and other periodicals and postal parcels, nationally and internationally
	Narciso Monteiro Xavier	Portugal	Postal service for express mail, for sending postal parcels, nationally and internationally
	Plataforma Concreta, Unipessoal, Lda	Portugal	Basic postal service (outside the scope of the universal service) and express mail, correspondence, catalogues, books, newspapers and other periodicals and postal parcels, nationally and internationally
	Portador Diário, Lda	Portugal	Basic postal service (within and outside the scope of the universal service) and express mail, postal parcels, nationally and internationally
Audiotext and value-added	BNP Paribas Personal Finance, SA – Branch in Portugal	France	Value-added service based on messaging

services based on messaging			
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Note: For up-to-date information about these companies and their activities, see www.anacom.pt.

Table 2 - Registration cancellations in 2022

Sector	Company	Country
Electronic communications	Companhia IBM Portuguesa, SA	Portugal
	Evomédia Mobile, Unipessoal, Lda	Portugal
	INEDISINAL, Unipessoal, Lda	Portugal
Postal services	CEP – Correos Express Portugal, SA	Portugal
Audiotext and value-added services based on messaging	Banco BNP Paribas Personal Finance, SA	Portugal
	Digital Virgo Portugal, Lda	Portugal
	Binbit Portugal, Lda	Portugal

The registration update programme was maintained, under the terms set out in Regulation 6/2018, of 5 January, and Regulation 851/2018, of 21 December, for which the entry into operation, on 1 March 2022, of a new support application system was decisive. This programme is expected to be completed in 2023, already taking into account the changes introduced by the ECL regarding the scope of registration and the reporting obligations of companies that offer electronic communications networks and services.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

ANALYSIS OF MARKETS AND REGULATED OFFERS

5. ANALYSIS OF MARKETS AND REGULATED OFFERS

5.1. Market analyses

In May 2022, under the ambit of the analysis of the “Market for high quality wholesale access at a fixed location (access and trunk segments)”², ANACOM approved the revision of prices for lines between Continental Portugal and the Autonomous Regions of the Azores and of Madeira (CAM lines) and for lines that connect various islands of the Azores (inter-island lines), supported on submarine cables owned by MEO³. In the case of the Ethernet Leased Line Reference Offer (ELLRO), ANACOM determined the setting of maximum prices for CAM lines and the maintenance of the (maximum) prices for inter-island lines. With regard to the Leased Lines Reference Offer (LLRO), ANACOM decided to maintain the prices in force.

In July, and in the context of the obligations imposed following the analysis of “Market 3a – Wholesale local access at a fixed location”⁴, ANACOM approved the revision of prices for the MEO Reference Conduit Access Offer (RCAO) and Reference Pole Access Offer for access to (RPAO), reducing the maximum monthly prices of the RCAO by 35%, and the RPAO by 20%, with effect from 15 February 2022⁵.

On 8 November 2022, ANACOM approved the final decision on the amendments to the RCAO and RPAO not included in the decision of 25 July 2019, deliberating, among other matters, on procedures relating to the installation of customer drops from beneficiaries, i.e., the installation of the final section of the operator's network to the home of its retail end customer. Thus, ANACOM understood that the installation of a customer drop by beneficiaries of the RPAO must follow the following rules⁶:

- The installation of a customer drop cable by the beneficiary (for which it is necessary to have valid RPAO accreditation), does not imply that MEO will be sent any prior or subsequent notification;

² See <https://www.anacom.pt/render.jsp?contentId=1394170>.

³ See <https://www.anacom.pt/render.jsp?contentId=1721800&languageId=0>.

⁴ See <https://anacom.pt/render.jsp?categoryId=391168>.

⁵ See <https://www.anacom.pt/render.jsp?contentId=1726292>.

⁶ See <https://www.anacom.pt/render.jsp?contentId=1732770>.

- MEO must remove from the RPAO the obligation to send beneficiaries' customer drop cable registrations;
- Penalties for improper access, improper occupation and failure to send registration details do not apply to the beneficiaries' customer drop cables;
- The application of any monthly occupancy price for fixing a customer drop cable to an MEO pole and a price for installing a customer drop cable on a MEO pole must be removed from the RPAO.

On 05.12.2022, MEO filed a complaint requesting the annulment of the aforementioned decision on grounds of invalidity, with ANACOM considering the invalidity petitioned to be unfounded⁷ in January 2023⁸.

In the context of the EC Recommendation on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation – Recommendation (EU) 2020/2245, of 18 December 2020, ANACOM continued its review of the analysis of the “Market 1- Wholesale local access provided at a fixed location”, of “Market 2 - Wholesale dedicated capacity” and related markets. In particular, the quantitative and qualitative information collected from operators in 2021 and 2022 was treated and analysed. The effects of the potential acquisition by VODAFONE of sole control over Cabonitel, and the potential impact of the so-called “white spots” tender procedure, were also analysed. Both the aforementioned concentration operation and the aforementioned tender procedure have not yet been carried out.

⁷ See <https://www.anacom.pt/render.jsp?contentId=1736914>.

⁸ Also, within the context of this decision, ANACOM clarified its understanding regarding the effect of some of the determinations contained in the decision of November 2022, declaring irrelevant the reference to its application from the beginning of the reference offer, and determining that MEO cannot demand compliance with the changes it sought to impose on the beneficiaries of the RPAO.

5.2. Regulated offers

- **Reference conduit access offer (RCAO) and Reference pole access offer (RPAO)**

Within the scope of the analysis of “Mercado 3a – Wholesale local access market at a fixed location”⁹, an obligation to provide access to and use of specific network resources was imposed on MEO, among others, conduits, poles, manholes and any other infrastructure suitable for hosting networks. MEO is also obliged to publish an RCAO and an RPAO.

Access to MEO's physical infrastructure, which has a high degree of capillarity and range, has been (and is expected to continue to be) essential for the development of Very High Capacity Networks (VHCN) and for competition in the markets for electronic communications networks and services in Portugal.

The regulatory measures imposed on access to conduits and poles have contributed decisively towards a reduction in the cost of deploying high capacity networks, while simultaneously offering all operators similar conditions under which to invest in the development of their own networks.

In 2022, there were around 13 000 responses to requests for the installation of cables in MEO's conduits, which represents an increase of 8% over 2021. As can be seen in the following chart, during the year under review, the trend towards an increase in the number of requests for cable installation in MEO's conduits intensified. Despite the fact that significant VHCN coverage exists through alternative operators, they continue to expand their fibre networks in areas with a tendency to be more densely populated (it is in these areas that MEO's underground infrastructure, characterised by significant range and capillarity, has greater preponderance).

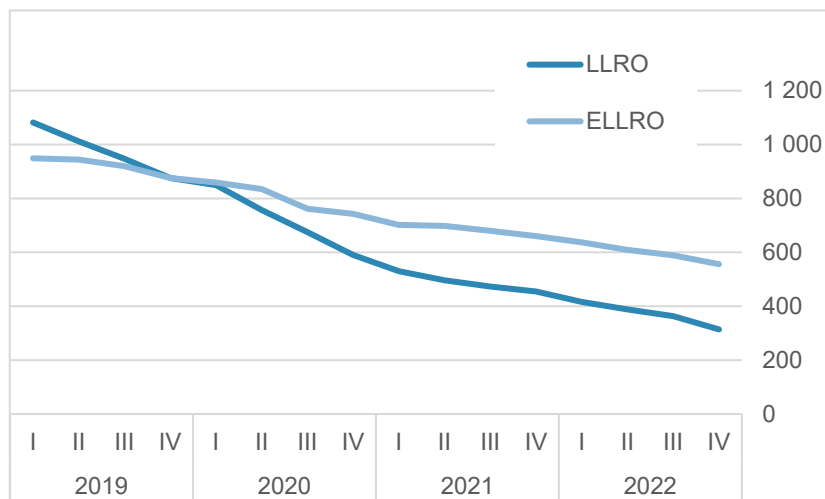
⁹ See <https://anacom.pt/render.jsp?categoryId=391168>.

- **Leased lines reference offer (LLRO) and Ethernet leased lines reference offer (ELLRO)**

As a result of the analysis of the “Market for wholesale access to high quality electronic communications at a fixed location”¹⁰ (access and trunk segments), MEO was required to grant access and use of specific network resources, and this operator must also publish an LLRO and an ELLRO.

In 2022, the number of leased lines under the LLRO and ELLRO decreased by 31.0% and 15.8%, respectively. The downward trend witnessed in the contracting of (traditional) leased lines based on MEO's offers (LLRO and ELLRO) results from the investments that the beneficiary operators have been making in their own networks. Even so, the need to complement the coverage of their networks (in particular, to connect mobile network base stations) or to interconnect their networks with those of other operators, justifies its relevance in certain areas or routes (namely, of Ethernet lines, in particular in the case of the CAM lines and inter-island lines).

Chart 3 - Number of leased lines under the LLRO and ELLRO



Unit: thousand lines.

Note: In order to allow a comparison of the two leased lines offers, in the case of the LLRO, the number of internal extensions is not included.

Source: ANACOM, based on MEO data.

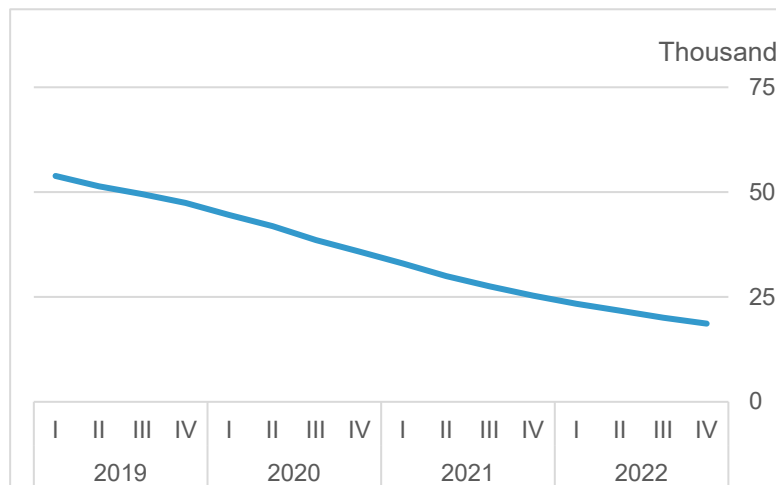
¹⁰ See <https://www.anacom.pt/render.jsp?contentId=1394170>.

- **Local-loop unbundling reference offer (LLRUO)**

In the analysis of “Market 3a – wholesale local access at a fixed location”, ANACOM maintained the obligation to access the loop (in copper) imposed on MEO in previous market analyses¹¹ and the provision and publication of an LLRUO.

At the end of 2022, the number of unbundled loops contracted by LLRUO beneficiaries totalled around 19 thousand, which represents an annual reduction of around 26%, reinforcing the downward trend reported since 2008. The LLRUO continues to lose relevance as a wholesale offer to support local access (and retail offers) of alternative operators, as the beneficiaries of this offer continue to invest in their own networks, providing coverage across many of the areas where they are co-located. Additionally, accesses supported over copper have been replaced by accesses supported over networks that allow higher speeds, namely networks supported over optical fibre.

Chart 4 - Number of unbundled loops



Unit: Thousand unbundled loops.
 Source: ANACOM, based on MEO data.

¹¹ See <https://anacom.pt/render.jsp?categoryId=391168>.

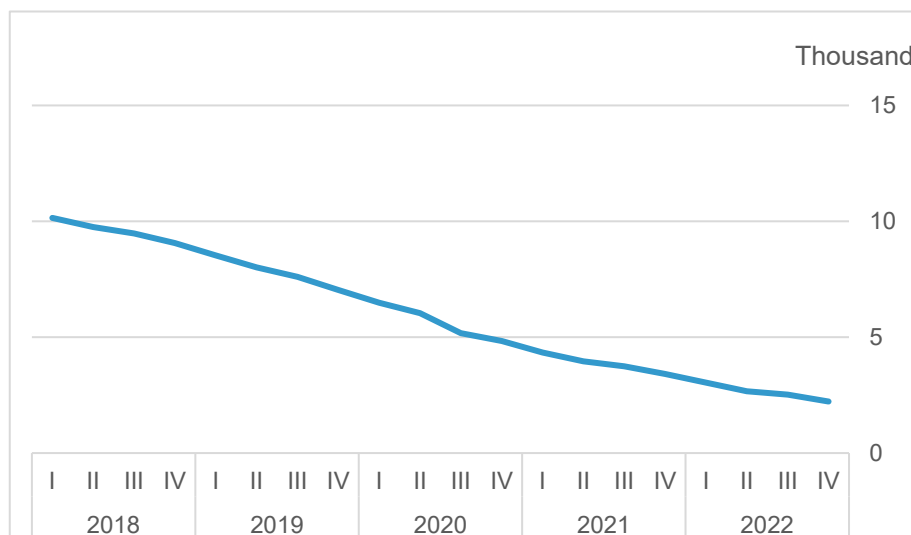
- **ADSL PT Network Offer**

An access obligation was imposed on MEO under the ambit of “Market 3b - central wholesale access in one place” for the publication of a reference offer (ADSL PT Network)¹².

MEO’s ADSL PT Network offer (copper bitstream offer) maintains its essentially complementary (and even residual) nature vis-à-vis other regulated wholesale offers or the construction of its own network. It is still used by some operators (essentially) to serve the business market, as it allows them to provide integrated offers to retail customers who have facilities located across the national territory, in areas where operators do not have the infrastructure to provide the service concerned.

At the end of 2022, there were around two thousand accesses supported by the ADSL PT Network offer, which represents an annual reduction of around 35%. This constant downward trend in the number of accesses (which has been occurring since the end of 2007) also results from the continued investment by alternative operators in their own networks (fibre).

Chart 5 - Number of accesses from other providers supported by the ADSL PT Network offer



Unit: Thousand accesses.

Source: ANACOM, based on MEO data.

Note: The value in relation to the first quarter of 2022 corresponds to an estimate.

¹² See <https://anacom.pt/render.jsp?categoryId=391168>.

- **Termination rates on mobile and fixed networks**

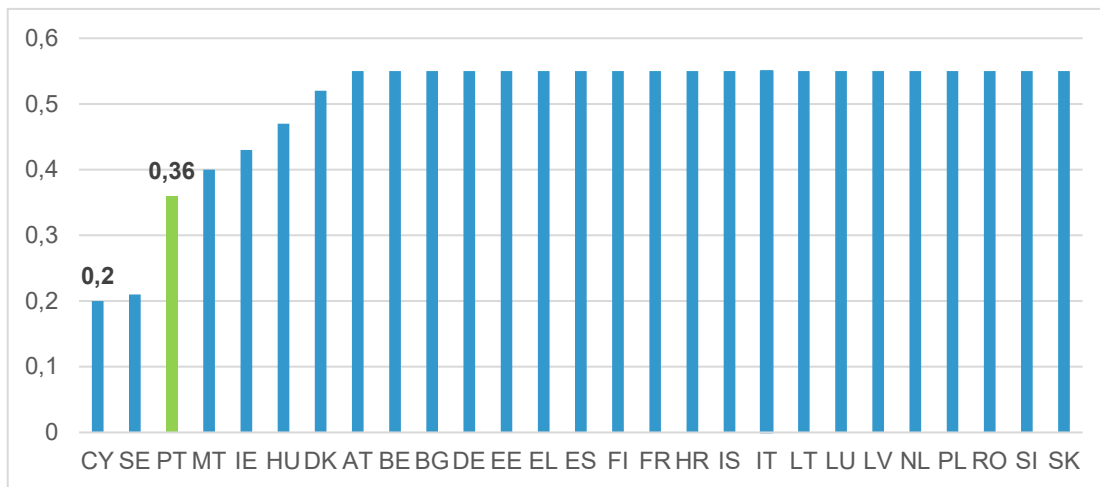
Under the European Electronic Communications Code (EECC), as approved by Directive (EU) 2018/1972, of the European Parliament and of the Council, of 11 December 2018 (hereinafter Directive 2018/1972), a maximum single tariff was established for voice call termination on fixed and mobile networks at EU level. At the end of 2020, the Delegated Regulation defining these tariffs was published – Commission Delegated Regulation (EU) 2021/654, of 18 December 2020 (hereinafter Regulation 2021/654), which completes Directive 2018/1972, defining, at Union level, a single maximum tariff for voice call termination on mobile networks and a single maximum tariff for voice call termination on fixed networks, which came into force on 1 July 2021.

- **Voice call termination rates on mobile networks**

In the case of mobile termination rates, Regulation 2021/654 established that, in the cases of countries where the average voice call termination rates on mobile networks in the EU were higher than the maximum single call termination rates for voice over a mobile network, at EU level, a gradual reduction in prices should be applied, until the maximum single tariff for voice call termination on mobile networks at EU level is reached, on 1 January 2024.

In Portugal, as the tariff applied until then was lower than the maximum single tariffs for voice call termination on mobile networks, the transitional period does not apply. This means that the maximum price of 0.36 euro cents (as established by ANACOM's decision of 20 February 2020) will be maintained until 2024, the year in which the maximum termination rate will be 0.20 euro cents, applicable to all EU countries.

Currently, Portugal holds 3rd position among EU countries with the lowest call termination rates on the mobile network, the same position it occupied on 30 June 2021, before the entry into force of the prices introduced by Regulation 2021/ 654, as illustrated in the following chart.

Chart 6 - Mobile termination prices in EU countries, in 2022

Source: Commission Delegated Regulation (EU) 2021/654, of 18.12.2020.

- **Call termination rates on fixed networks**

In the case of fixed termination rates, Regulation 2021/654 established that, as of 1 July 2021, the maximum price for voice termination on fixed networks would increase to 0.07 euro cents per minute, billed per minute, starting from the first second.

This new rate was applied in all EU countries, although there was an exception made for Austria, Belgium, Croatia, Czech Republic, Finland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Romania and Slovakia, which benefited from a derogation of the prices, from 1 July 2021 to 31 December 2021.

Currently, all EU countries apply the same maximum price for voice termination on fixed networks of 0.07 euro cents per minute, billed per minute, starting from the first second.

- **Reference interconnection offer (RIO)**

An obligation is also in force to provide an RIO, which was imposed on MEO following an analysis of wholesale call termination markets in public telephone networks at a fixed location¹³.

¹³ See <https://www.anacom.pt/render.jsp?contentId=1460279>.

The RIO establishes the rules and conditions associated with the interconnection of calls between MEO's fixed network and the networks/infrastructures of other national electronic communications operators and service providers.

The offer concerned provides two types of interconnections: (1) TDM interconnection - interconnection modality carried out through switched circuits and using SS#7 signalling; (2) IP interconnection - interconnection modality, carried out through IP interconnections and using SIP signalling¹⁴.

The RIO lists the prices for call termination on MEO's fixed network, as well as other services, namely portability and operation, maintenance and management services¹⁵.

- **Digital terrestrial television (DTT) service**

ANACOM¹⁶ analysed the prices charged by MEO to television operators for providing the service of encoding, multiplexing, transporting and broadcasting television channels with free unrestricted access over the DTT network (MUX A).

By decision of 11.10.2022¹⁷, ANACOM concluded that there were no indications that the prices charged by MEO for the provision of the DTT signal transport and broadcasting service failed to comply with the principles of transparency, non-discrimination and cost orientation of prices, taking into account the capacity effectively occupied by each television programme service, the price limit presented in the bid that won the public tender, and the specific principles applicable to the case of regional programme services (issued in the Autonomous Regions).

Thus, ANACOM ended this assessment procedure, having determined that it was not necessary to revise the prices charged at the time by MEO, until the next annual assessment of said prices.

¹⁴ *Session initiation protocol* - SIP.

¹⁵ See <https://ptwholesale.pt/pt/servicos-nacionais/trafego/Paginas/ori.aspx>.

¹⁶ Under the terms of and in compliance with the provisions of Law 33/2016, of 24 August, and the national RUF assigned to MEO for the DTT service – RUF ICP-ANACOM 06/2008.

¹⁷ Available at

https://www.anacom.pt/streaming/DecisaoFinal11out2022_AnalisePrecosTDT.pdf?contentId=1730110&field=ATTACHED_FILE.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

COSTING SYSTEMS

6. COSTING SYSTEMS

6.1 MEO's Analytical Accounting System (AAS)

- **MEO's AAS for the years 2019 and 2020**

Under the terms of the applicable legislation, MEO must have an AAS for regulatory purposes that aggregates all information on costs and their manner of treatment, respecting the principles, determinations and recommendations defined and issued by ANACOM.

ANACOM is responsible for approving the aforementioned costing system implemented by MEO, examining its correct application and annually publishing a declaration of conformity of the AAS and the results obtained by it.

In this context, by decision of 3 May 2022, ANACOM approved the prior hearing report and the statement proving the compliance of the AAS in relation to MEO's telephone service at a fixed location, leased lines service and interconnection service for the 2019 financial year¹⁸.

Approval was also given to the publication, in the Diário da República, of the notice regarding the said declaration of conformity of the AAS, with the applicable regulatory provisions¹⁹.

During 2022, audit work was also carried out on MEO's AAS, implemented in the 2020 financial year, and on the results produced by it, with the issuance of a decision regarding its compliance being transferred to 2023.

During 2022, by decision of 18 October, ANACOM approved the final report of the public tender for auditing MEO's AAS results (financial years 2021 and 2022) and awarded the respective contract to Mazars & Associados, SROC²⁰.

¹⁸ See <https://www.anacom.pt/render.jsp?contentId=1722143>.

¹⁹ See <https://dre.pt/dre/detalhe/aviso/10078-2022-183691111>.

²⁰ See <https://anacom.pt/render.jsp?contentId=1735006>.

- **MEO's Cost of Capital to be applied to the results of the AAS**

The ECL provides that, by imposing obligations regarding the recovery of costs and price control, including the cost orientation of prices obligation and the obligation to adopt cost accounting systems, ANACOM must consider the investment made by the operator, allowing it a reasonable rate of return on invested capital, taking into account the associated risks.

Based on this framework and taking into account the EC notice dated 6 November 2019, entitled "*Commission Notice on the calculation of the cost of capital for legacy infrastructure in the context of the Commission's review of national notifications in the EU electronic communications sector*" and the calculations of the various parameters necessary to determine the value of the cost of capital rate carried out by the Body of European Regulators for Electronic Communications (BEREC), ANACOM approved, by decision of 18 October 2022, MEO's cost of capital rate, the value of which is 4.6896%, applicable to the year 2022²¹.

6.2 CTT's Analytical Accounting System (AAS)

- **CTT's AAS for the years 2019 and 2020**

The Postal Law, in its current wording, grants powers to ANACOM, as regulator of the postal sector, to approve and supervise the correct application of the AAS that CTT is obliged to possess as a universal service provider (USP), and ANACOM must publish a declaration of conformity of the AAS and its results.

In this context, as a result of the audit carried out by Mazars & Associados, SROC, SA on the 2019 results of CTT's AAS, on 25 October 2022, ANACOM issued a declaration of conformity regarding the AAS in force in the 2019 financial year, and the results produced by it.

Also in 2022, an audit of the 2020 results of CTT's AAS began, on which work will continue in 2023.

²¹ See <https://www.anacom.pt/render.jsp?contentId=1731127>.

- **CTT's cost of capital to be applied in the results of the AAS**

Article 19(3)(b) of Law 17/2012, of 26 April 2012 (Postal Law), establishes *“The right of the universal service provider to obtain a reasonable profit, represented by the cost of capital related to the investments necessary for the provision of the universal service, which must reflect the risk incurred”*.

In this context, on 2 November 2017, ANACOM approved the methodology for calculating CTT's cost of capital rate to be used in its AAS, applicable to 2018 and subsequent financial years, with the aim of minimising the unpredictability associated with its calculation, while at the same time ensuring greater regulatory certainty, increasing transparency for all parties with a view to determining a cost of capital that adequately reflects the achievement of a reasonable profit, taking into account the provisions of the Postal Law.

With a view to determining the cost of capital rate to be used by CTT in its AAS, applicable to the 2022 financial year, ANACOM awarded the company Mazars Advisory, SA a contract to perform a critical review of the established methodology and update the data necessary for the calculation of each parameter of the cost of capital rate.

Based on the work carried out, by decision of 22 June 2022²², ANACOM determined the cost of capital rate to be applied to CTT's AAS in 2022, for regulatory purposes, which was set at 6.2717%.

²² Approval of CTT's cost of capital rate applicable to the 2022 financial year.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

UNIVERSAL SERVICE

7. UNIVERSAL SERVICE

7.1 Universal Service (US) for electronic communications

The ECL has created the legal framework applicable to the US, which includes, under the terms of paragraph 1 of the respective Article 148, the provision, at an affordable price and with a specified quality:

- (i) Of an adequate service for broadband Internet access at a fixed location;
- (ii) Of voice communications services, including the underlying connection, at a fixed location; and
- (iii) Specific measures for consumers with disabilities, with the aim of ensuring equivalent access to the benefits available to other users.

Paragraph 2 of the same article provides for the possibility of including the accessibility of the aforementioned benefits within the scope of the US, when it is concluded that this is necessary to ensure the full social and economic participation of consumers in society.

7.2 Social tariff for the provision of broadband Internet access services (SIT)

In 2021, through Decree-Law 66/2021, of 30 July, the Government created the SIT, to be made available by all companies offering this type of service. This tariff applies to consumers on low incomes or with special social needs, constituting a measure of tariff accessibility under the ambit of the US.

Ordinance 274-A/2021, of 29 November, established the model, procedures and conditions necessary for the application of Decree-Law 66/2021, which created the SIT. This Ordinance came into force on 01.01.2022 and set a minimum download and upload speed of 12 Mbps and 2 Mbps, respectively, also establishing a minimum monthly traffic value of 15GB. Following the entry into force of this legal diploma, the actions necessary for the implementation of the SIT were triggered.

In 2022, the SIT management platform came into operation, an integrated solution developed to enable providers to send ANACOM the tax identification number and tax address of the SIT applicant, so that the Authority can consult the competent Social Security

and Tax and Customs Authority (AT) services to verify the eligibility of the potential beneficiaries.

Taking into account the provisions of Article 14(4) of said Decree-Law 66/2021, the companies NOS, MEO, Nowo, Prodevice and VODAFONE sent their SIT offers, with ANACOM publishing, on 22 February 2022, the respective decisions.

The Authority determined adjustments to some of the SIT offers in relation to the option for staggered payment of the amount charged for activation of the service and the maximum, one-off amount of the consideration that can be charged for the activation and/or provision of equipment (in the event of failure to return SIT access equipment, made available to the beneficiary on the basis of a loan for use agreement, after termination of the contract). In the decisions of 22 February 2022, ANACOM considered that the offers would comply with the provisions of the aforementioned Decree-Law 66/2021 and the aforementioned Ordinance 274-A/2021, after the determined adjustments had been made.

Under the terms of Article 14(1) of Decree-Law 66/2021, ANACOM must send, annually, to the members of the Government in charge of the areas of digital transition and communications, information regarding the definition of the bandwidth (see Article 3(2)), the proposed value of the social tariff (see Article 5(3)) and the definition of the concept of excessive burden (see Article 6(5)), with ANACOM complying with this obligation on 13 September 2022.

With regard to the definition of bandwidth and other quality of service parameters to be observed under the SIT, ANACOM concluded that the fundamentals that dictated the adoption by ANACOM of the decision of 27.09.2021 were maintained, for which reason it recommended, for the year 2023, a SIT offer with a minimum download speed of 30 Mbps and a minimum upload speed of 3 Mbps, as well as minimum monthly traffic of 30GB.

Regarding the value of the SIT, ANACOM proposed maintaining the values applied in 2022, i.e., a monthly fee of 5 euros (which, plus VAT at the rate of 23%, totals 6.15 euros) and the setting of a maximum price of 21.45 euros (which, plus VAT at the rate of 23%, totals 26.38 euros), in return for the provision of activation services and/or access equipment.

As for the concept of excessive burden, ANACOM stated that it considers that the substance of the decision of 27.09.2021 should be maintained, namely that the provision of the broadband Internet access service constitutes an excessive burden when it is found that

the verifiable and verified net cost resulting from the provision of this service is equal to or greater than 3% of the revenues obtained from the provision of this service, or when the provider manages to demonstrate that its capacity to compete in the market has been significantly affected.

The first application for SIT was reported on 23.02.2022, with 1 061 applications to subscribe to the SIT having been made by end of 2022. It should be noted that around 21% of these requests were considered ineligible, in particular as a result of a failure to fulfil the eligibility criteria provided for in Article 4(1) of Decree-Law 66/2021 (in 88% of these 21% of ineligible cases) and because they represent requests in which a social tariff is already active in the same household (in 9% of these 21% of ineligible cases).

With regard to university students, few have subscribed, with only 5 requests registered, of which none was considered eligible.

On 31 December 2022, the 1 061 requests registered were in the following situation:

Table 3 – Registered requests related to the SIT

SIT status	Number of records
Active SIT	484
Deactivated SIT	118
Order cancelled	215
Ineligible	224
Other	20
TOTAL	1061

Source: ANACOM

Note: The number of active SIT may be slightly higher, as only the information that providers voluntarily report on the social tariff management platform is held.

It should be noted that, of the SIT already deactivated, only 4% result from a loss of eligibility determined in the annual procedure for verifying conditions, with the majority (55%) taking place at the request of the beneficiary.

Of the cancelled requests, in 2022, most (53%) were due to the indication “customer is not interested” and the rest were mostly cancelled after the beneficiaries discovered they were eligible and gave up before activating the SIT.

On the same occasion that it complied with the provisions of Article 14(1) of Decree-Law 66/2021 and approximately 6 months after the launch of the first SIT offers, ANACOM deemed it appropriate to send the aforementioned governmental areas a preliminary diagnosis of the potential causes of this reduced use, to present possible measures aimed at addressing and, consequently, encouraging potential beneficiaries of the SIT to subscribe to the measure.

From the analysis carried out on the low number of subscriptions, it was concluded that there is one factor, on the demand side with significant weight, the addressing of which will require structural measures: digital illiteracy. On the supply side, it was understood that the characteristics of retail offers for electronic communications services, under which many users are tied to contracts with long loyalty periods [with considerable early termination costs and under which providers encourage the contracting of aggregated offers (in a package)], discourage subscribers from taking up stand-alone services and contracting the SIT. In this respect, it was also shown that contracting the SIT and a free television service (DTT) could be a suitable option for many users. However, the existing offer in relation to DTT, which has been characterised, to date, by a reduced range of channels when compared to other European countries, also contributes towards restricting the number of subscriptions to the SIT.

7.3 Net Costs of the Universal Service (NCUS)

On 22 November 2022, ANACOM approved Regulation 1165/2022, of 14 December, containing the methodology for calculating the net costs of providing the SIT, following a public consultation procedure in which the costs and benefits of the proposed measures were weighed up.

The net cost of the obligation to provide the SIT corresponds to the difference between the net costs, for a company, of operating with and without US obligations, this calculation resulting from the difference between avoidable costs and the adjusted lost revenue from indirect benefits obtained. ANACOM calculates the avoidable costs of each company for each listed item of avoidable costs for each type of beneficiary. Lost revenues and indirect

benefits obtained by companies from the provision of the SIT are also identified. When determining lost revenue, account is taken of the price set as consideration for the broadband Internet access service and the maximum price set as consideration for service activation and/or access equipment, namely routers, and the price set for the additional traffic service provided. The indirect benefits obtained by companies through the provision of SIT to new customers are limited to mailing, as a benefit associated with the availability of space for sending advertising on SIT invoices, using the billing process to place advertising messages, without additional shipping costs.

7.4 Universal postal service (UPS)

The Postal Law, in its current wording, dictates that provision of a UPS must be ensured, which consists of offering a range of postal services, of specified quality, permanently available throughout the national territory, at affordable prices for all users, with a view to fulfilling the communication needs of the population and economic and social activities.

The scope of the UPS includes a national and international postal service for sending correspondence (excluding addressed publicity) and for sending catalogues, books, newspapers and other periodicals, up to 2 kg in weight, and postal parcels, up to 10 kg in weight, as well as a recorded delivery service and a declared value delivery service, also covering the delivery, within the national territory, of postal parcels received from other EU Member States, weighing up to 20 kg. The US does not include express mail services.

The Postal Law also establishes the mandatory collection and distribution of postal items covered by the UPS, at least once a day, on all working days, except under exceptional circumstances or geographical conditions, as previously determined by ANACOM.

The UPS pricing arrangements must comply with a set of principles established in the Postal Law, namely, accessibility to all users, cost orientation, transparency and non-discrimination.

With regard to the quality of service, the provision of the UPS must ensure the satisfaction of appropriate quality standards, namely with regard to delivery times, density of access points, and the regularity and reliability of the service.

The UPS provider(s) must regularly provide information on the characteristics of the UPS offered, namely on the general conditions of access and use of the service, prices and

quality levels, ensure development in the provision of the service according to the technical, economic and social environment and the needs of users, and observe the obligations inherent in the provision of the universal service that result from the international binding commitments of the Portuguese State.

On 8 February 2022, the new UPS concession contract entered into force, concluded between the Portuguese State and CTT. Up to this date, the previous concession contract was in effect, the Bases of which were approved by Decree-Law 448/99, of 4 November, as a result of the extension operated by Article 35-W of Decree- Law 10-A/2020, of 13 February, with the wording given to it by Decree-Law 106-A/2020, of 30 December, which provided for the maintenance of the previous concession contract until the signing of a new contract in order to safeguard the provision of the UPS, under the terms that applied until that time.

7.5 Provision of the UPS, following the amendment to the Postal Law and entry into force of the new UPS concession contract – actions within ANACOM’s sphere of competence

On 3 November 2021, Council of Ministers Resolution 144/2021 was published, determining that the new concession contract should be signed under limited tendering, for a period of seven years, and inviting CTT to submit a bid. Under that same legal text, the Government concluded that the designation of the universal service provider and the conclusion of the new concession contract constituted an opportunity to redefine the UPS, introducing adjustments to its scope and to the obligations of the respective provider, focusing specifically on the definition of prices and the quality of the service arrangements, having determined the introduction of amendments to the Postal Law that proved necessary for the implementation of the provisions of the said Resolution.

It should be noted that these changes, which came to be implemented in the amendments to the Postal Law approved by Decree-Law 22-A/2022, of 7 February, determined a change to the powers previously attributed to ANACOM in relation, specifically, to the definition of the criteria for setting the prices of the UPS and the quality of service parameters and performance objectives to be met by the UPS provider.

With regard to the formation of UPS prices, the legislative revision established that the criteria that the formation of prices of the postal services that form part of the UPS should

obey must be established, for a period of three years, by means of an arrangement to be signed between ANACOM, the DGC and the UPS provider, without prejudice to compliance with the tariff principles established in the Postal Law, which remains assured. In the event of agreement, the Arrangement must be concluded, signed by the parties and notified to the member of Government in charge of the area of communications, by 30 July of the year prior to the year to which the criteria are intended to apply, with ANACOM being responsible for coordinating the respective works and the liaison between the parties involved. Where reaching an agreement within the scope of the Convention proves impossible, it is up to the member of the Government in charge of the area of communications to establish the criteria that the formation of the prices of the postal services that make up the UPS should obey.

With regard to quality of service, the amendment to the Postal Law determined the transfer of powers to set the quality of service parameters and the performance objectives associated with the provision of the UPS to the member of the Government responsible for the communications sector, along with the rules relating to its measurement, monitoring and dissemination, subject to a proposal presented by ANACOM after hearing the UPS providers and consumer organisations.

The signing of the new concession contract implied the entry into force of ANACOM's decision of 29 April 2021 on the quality of service parameters and performance objectives associated with the provision of the UPS, which will remain in force until such time as new quality of service parameters are established by the member of the Government in charge of the area of communications, in accordance with the transitional regime provided for under the aforementioned Decree-Law 22-A/2022.

On 28 June 2022, ANACOM approved the final decision granting CTT's request to change the date of the entry into force of ANACOM's decision of 29 April 2021, which defined the conditions under which CTT may carry out the distribution of postal items at locations other than the home, which came into force from 1 January 2023.

7.6 Universal postal service price agreement

Following the negotiation process carried out between ANACOM, DGC and CTT throughout the first half of 2022, in early July 2022, ANACOM promoted the collection of contributions from potential stakeholders (end-users, including consumers, other postal service providers and other organisations) on the principle of agreement reached for the Arrangement.

On 27 July 2022, the Price Agreement was signed, which established the criteria for setting prices for the UPS, to be applied between 1 January 2023 and 31 December 2025.

The said Arrangement covers correspondence, parcels and newspapers and periodicals that form part of the UPS offer, including the registered mail service used in judicial or administrative proceedings.

The Arrangement establishes a maximum average annual price variation, in each year of validity, which results from a formula that takes into account (i) the consumer price index; (ii) traffic variation; (iii) the weight of variable costs in total costs; and, (iv) the efficiency associated with CTT's activity under the provision of the UPS.

The price calculation formula may also include a factor to be applied in the event of significant changes in context related to the conditions for provision of the UPS, which will be activated in the event of agreement between the parties. This factor may change the maximum variation in prices allowed for each year, depending on significant changes in context that occur (related to the conditions for providing the service) and their impact on compliance with the principles to be taken into account when setting UPS prices, the value of which shall also be determined by agreement between the three signatories to the Arrangement.

For each price, a maximum annual variation and a maximum variation for the overall duration of the Agreement are also established.

A maximum annual average variation of 4 cents has been defined for the price of sending standard national mail, weighing up to 20 grams, which constitutes the most relevant service in terms of traffic for the occasional user segment.

It is also established that, under the national and international service, CTT should provide, free of charge, postal items for blind and partially sighted persons sent to or by an organisation for the blind or the partially sighted, or sent to or by a blind or partially sighted person, with the exception of air surcharges, if any.

The principle of tariff uniformity is applied, with the establishment of a single price throughout the territory for correspondence weighing less than 50 grams sent nationally by occasional users of the service, and for correspondence weighing less than 50 grams sent nationally, under the registered service for legal summonses and notices.

The Arrangement does not apply to the special prices and associated conditions of postal services for bulk shipments that form part of the UPS offer, which are subject to the specific arrangements provided for under Article 14-A of the Postal Law.

7.7 Universal Postal Service (UPS) Pricing

Annex I, by reference to paragraph 2 of clause 19 of the new UPS concession contract, which entered into force on 8 February 2022, establishes the criteria for updating the prices of the postal services that make up the UPS, to be applied in 2022, the first year of the new concession contract. By application of those criteria, CTT implemented an average annual variation in the prices of the UPS subject to these rules of 6.78%.

On 18 November 2022, CTT presented ANACOM with a proposal to update the prices of the services covered by the UPS for 2023, to take effect from 1 March 2023. This price proposal for the postal services that make up the UPS offer represented an average annual price variation of 6.58%, as a result of the application of the formula provided for in the Arrangement for 2023.

The basic price for national standard mail, applicable to sealed items and franked items obtained from stamp vending machines in the 1st weight scale (up to 20 g), increased from 0.57 euros to 0.61 euros, an increase of four cents.

By determination of 20 December 2022, ANACOM approved the compliance report for the price proposal presented by CTT for 2023, under the ambit of the UPS, in which it considered that it complied with the tariff principles established in Article 14(1) of the Postal Law and the pricing criteria established in the pricing Arrangement for the 2023-2025 period.

In this context, ANACOM proposed to the Government the approval of the proposed price update communicated by CTT, which would be tacitly approved, as provided for under Article 14(16) of the Postal Law.

7.8 Cross-border tariffs for single-piece parcel items

Regulation (EU) 2018/644, of the EP and of the Council, of 18 April (hereinafter Regulation 2018/644), on cross-border parcel delivery services, aims to encourage better cross-border parcel delivery services by establishing specific provisions related to their regulatory

oversight, specifically with regard to the annual assessment of tariffs for certain services (as identified in the following table), in order to identify excessively high tariffs.

Table 4 - Tariffs for postal items to be assessed under Regulation 2018/644

Service	Weight (in grams)
Standard letter	500, 1,000 and 2,000
Registered letter	
Letter with track & trace	
Standard parcel	1,000, 2,000 and 5,000
Parcel with track & trace	

Source: Regulation 2018/644.

As per Regulation 2018/644, the assessment is focused on the tariffs for the services provided by the universal postal service (USP) provider(s) under the ambit of the UPS, as a result of which, in Portugal, only the tariffs for the aforementioned items charged by CTT are subject to this assessment.

By decision of 28 June 2022, ANACOM approved the assessment of single-piece cross-border tariffs in 2022 (specifically, in accordance with Regulation 2018/644, the tariffs in force on 1 January 2022), and reported the respective conclusions to the EC.

Following the analysis carried out, it was decided that there was not enough evidence to conclude that the tariffs analysed were excessively high, without prejudice to the Authority continuing to monitor the prices charged by CTT for the items concerned, in particular under the ambit of the evaluation of tariff proposals to be presented by the USP and taking account, specifically, of updated data regarding the costs associated with the items concerned, or other relevant data that might become available.

7.9 Quality of the universal postal service

According to the Postal Law, the provision of the UPS must ensure the satisfaction of adequate quality standards, namely with regard to the delivery times, regularity and reliability of the service, and CTT, as the UPS concessionaire, must ensure compliance with a series of obligations established by law and in the concession contract, among which is

to ensure the provision of the UPS throughout the national territory, guaranteeing its availability and quality.

By decision of 29 April 2021, ANACOM established the quality of service parameters and performance objectives associated with the provision of the UPS and defined the rules relating to their measurement, monitoring and disclosure²³, which have been in force since 8 February 2022, inclusive, and shall remain in force until such time as the member of the Government in charge of the area of communications establishes new quality of service parameters and performance objectives associated with the provision of the UPS²⁴. Thus, the quality of service indicators (QSI) that CTT must comply with, from 2022 onwards, are those set out in the aforementioned decision of 29 April 2021.

On 5 May 2022, ANACOM published information on the QSI values reported by CTT, relative to 2021²⁵, which were established by ANACOM by decision of 12 July 2018. This disclosure was intended to allow monitoring of the observed QSI and not the assessment of compliance with the QSI established for 2021, since the disclosed values did not take into account the deduction of mailings affected by situations of force majeure (as described below).

In fact, by decision of 11 May 2022, ANACOM granted the request submitted by CTT for deduction of records affected by the COVID-19 pandemic in the second half of 2021²⁶. Thus, together with ANACOM's decision of 28 October 2021 (which deducted the deduction of records referring to the first half of 2021, for the same reason), all mailing records considered for the calculation of QSI in 2021 were deducted.

ANACOM considered that the situation concerned had a significant impact on quality performance, qualifying as situations of force majeure or phenomena, the triggering and evolution of which were manifestly outside CTT's control and which had an impact on its quality of service performance.

²³ Decision available at <https://www.anacom.pt/render.jsp?contentId=1456816>.

²⁴ In accordance with Article 3(2), of Decree-Law 22-A/2022, of 7 February.

²⁵ Available at <https://anacom.pt/render.jsp?contentId=1721404>.

²⁶ Available at <https://anacom.pt/render.jsp?contentId=1721804>.

7.10 Postal network density and minimum services provided

On 5 May 2022²⁷, ANACOM released a report on CTT's postal network and service provision, presenting information on the values of the indicators postal network density and minimum services provided that CTT was obliged to ensure in 2021, as well as the evolution of the postal network until that date. In 2021, via the provisional measure approved by ANACOM on 14 January 2021²⁸, CTT was obliged to ensure compliance with the postal network density objectives and minimum services provided that had been established by ANACOM decision dated 17 December 2020.

Under the new UPS concession contract, in force since 8 February 2022, CTT remains obliged to ensure the aforementioned postal network density objectives and minimum services provided, until such time as new objectives are established. The concessionaire is also obliged to guarantee the existence and operation of at least one post office in each of the country's municipalities.

²⁷ Available at <https://anacom.pt/render.jsp?contentId=1721263>.

²⁸ Available at <https://www.anacom.pt/render.jsp?contentId=1601142> and already mentioned in the 2021 Regulation Report.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

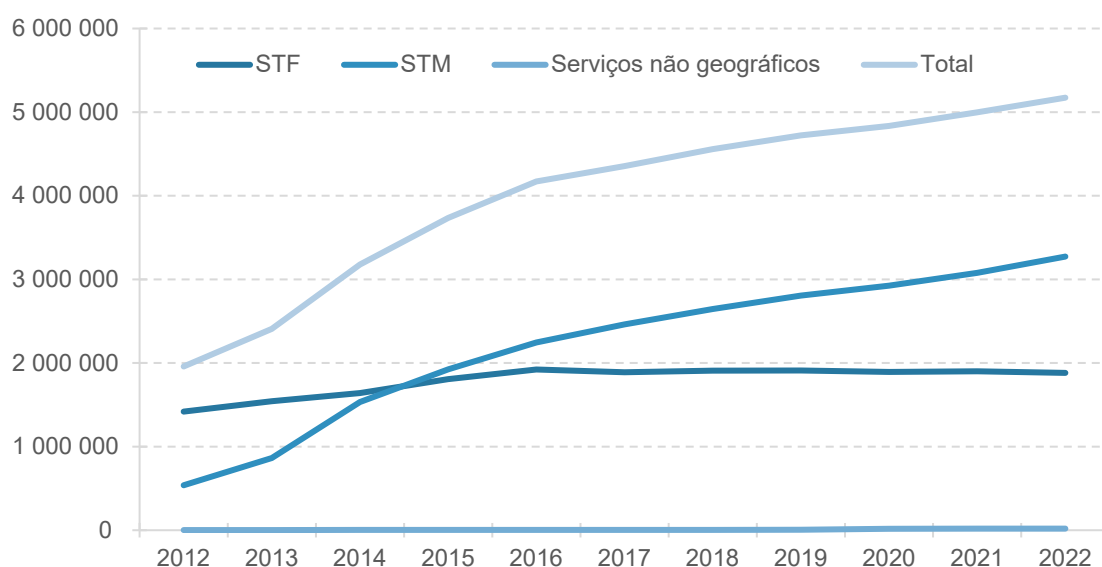
NUMBER PORTABILITY

8. NUMBER PORTABILITY

8.1. Evolution of ported numbers

According to the Portability Reference Entity database, as of 31 December 2022, there were 5 172 902 ported numbers, of which 1 881 225 were geographic numbers (fixed telephone service - FTS), 3 272 632 mobile numbers (mobile telephone service - MTS) and 19 045 other non-geographic numbers, the latter including 15 742 nomadic numbers. Compared to 2021, growth was positive in all services, but more pronounced in MTS, confirming the trend shown in the following chart:

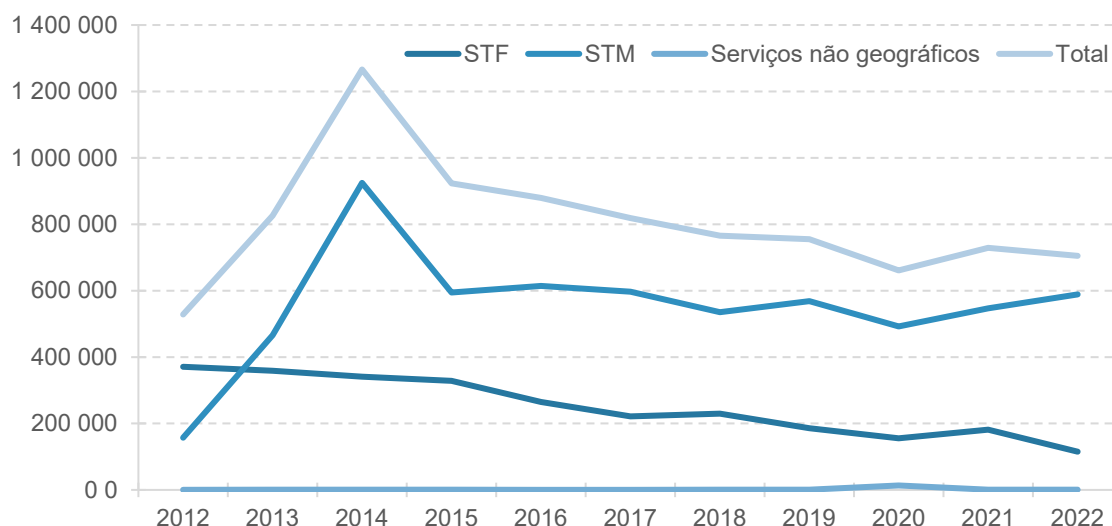
Chart 7 - Annual change in the volume of numbers ported



Compared to the previous year, in 2022, the number of mobile numbers ported grew by 6.3%, and the number of other non-geographic numbers ported rose 2.4%, with the number of geographic numbers ported decreasing by 1% compared to 2021.

In 2022, 704 654 numbers were ported, of which 115 130 were geographic numbers, 588 750 mobile numbers and 774 other non-geographic numbers. The respective trends since 2012 are shown in the following chart:

Chart 8 - Change in the volume of numbers ported



Between the end of 2021 and the end of 2022, the volume of mobile numbers ported increased by around 8%. In the case of geographic numbers, there was a decrease of 36.5%. The portability of non-geographic numbers (including nomadic numbers) fell by 3%.

The following tables show the proportion of numbers associated with active mobile accesses that were ported, including or excluding numbers associated with PC, tablet, pen, router and M2M accesses.

Table 5 - Percentage of mobile numbers ported (excluding numbers associated with PC, tablet, pen, router and M2M accesses)

Ratio	End of 2021	End of 2022
Volume of ported-in numbers associated with active mobile accesses / Volume of numbers associated with active mobile accesses	21.2%	21.3%

Source: ANACOM, based on operators' responses to the half-yearly portability questionnaire.

Notes:

- Active mobile access: all mobile access (a set of terminal equipment and software necessary to access the services available on mobile networks) that at the end of the semester is entitled to use one of the services (i.e., has the right to originate or receive voice calls or messages or access a data transmission service), without necessarily having used it, and therefore being "live" in the registration system on the network. For calculation purposes, the number of active SIM/USIM cards should be used. Gift cards that, despite being active, have not yet been recharged, and pre-active cards (e.g., those available in stores or warehouses) should not be included.

- Those numbers that are in a "quarantine period" (a period of three months during which a customer with a ported number and who has terminated a contract with the provider can still request the use of that number in the same company or request portability) are not counted as ported numbers.

- In this table, ported-in numbers do not include numbers that were returned to the donor provider (i.e., the provider to which the numbers were initially allocated by the regulator).

Table 6 - Percentage of mobile numbers that are ported (including numbers associated with PC, tablet, pen, router and M2M accesses)

Ratios	End of 2021	End of 2022
I. Volume of ported-in numbers associated with active mobile accesses / Volume of numbers associated with active mobile accesses	16.4%	16.7%
II. Volume of ported-in numbers associated with active mobile accesses for residential customers / Volume of numbers associated with active mobile accesses for residential customers	17.7%	18.7%
III. Volume of ported-in numbers associated with active mobile accesses for non-residential customers / Volume of numbers associated with active mobile accesses for non-residential customers	11.8%	11.0%

Source: ANACOM, based on operators' responses to the half-yearly portability questionnaire.

Notes:

- Active mobile access: all mobile access (a set of terminal equipment and software necessary to access the services available on mobile networks) that at the end of the semester is entitled to use one of the services (i.e., has the right to originate or receive voice calls or messages or access a data transmission service), without necessarily having used it, and therefore being "live" in the registration system on the network. For calculation purposes, the number of active SIM/USIM cards must be used. Gift cards that, despite being active, have not yet been recharged, and pre-active cards (e.g., those available in stores or warehouses) should not be included.
- Those numbers that are in a "quarantine period" (a period of three months during which a customer with a ported number and who has terminated a contract with the provider can still request the use of that number in the same company or request portability) are not counted as ported numbers.
- In this table, ported-in numbers do not include numbers that were returned to the donor provider (i.e., the provider to which the numbers were initially allocated by the regulator).

The following table shows the proportion of geographic numbers that were ported.

Table 7 - Percentage of geographic numbers ported

Ratios	End of 2021	End of 2022
I. Volume of ported-in numbers allocated to the FTS / Volume of numbers allocated to the FTS assigned to direct access customers	27.8%	26.9%
II. Volume of ported-in numbers allocated to the FTS allocated to residential customers / Volume of numbers allocated to the FTS assigned to residential direct access customers	31.3%	30.1%
III. Volume of ported-in numbers allocated to the FTS allocated to non-residential customers / Volume of numbers allocated to the FTS allocated to non-residential direct access customers	22.5%	22.1%

Source: ANACOM, based on operators' responses to the half-yearly portability questionnaire.

Notes:

- It is understood that there is direct access when there is a line installed from the place where the customer is domiciled and, if necessary, from the respective terminal equipment, to an entry point of a public switched telecommunications network.
- Those numbers that are in a "quarantine period" (a period of three months during which a customer with a ported number and who has terminated a contract with the provider can still request the use of that number in the same company or request portability) are not counted as ported numbers.
- In this table, ported-in numbers do not include numbers that were returned to the donor provider (i.e., the provider to which the numbers were initially allocated by the regulator).

8.2. Changes in portability prices

ANACOM collects information on retail portability prices that MTS providers (including MVNO), FTS providers and nomadic telephone service providers charge for portability operations to new customers who choose to keep their number.

At the end of 2022, as in previous reports, portability was a free operation for most land mobile service (LMS) providers. Only two providers charged a price to customers who opted to keep the number, and, in one case, that price is applicable only in offers without customer retention policies. In the other case, the portability value is usually offered in a campaign.

With regard to the FTS, in 2022, portability was free. In the residential segment, only two providers charged customers a fee for changing their number (20 euros for subscribers of offers without customer retention clauses, in one case, and 12.20 euros in the other case, but this may not be charged, depending on the campaigns in force, excluding VAT). In the non-residential segment, only three providers charged for portability (one charged 12.20 euros, another charged 15 euros and the other 20 euros, but the latter only to subscribers of offers without customer retention clauses).

As for the nomadic telephone service, at the end of 2022, only two of the providers operating in the residential segment charged customers for portability operations. One of these providers charged 20 euros to subscribers of offers without customer retention clauses. A second provider charged 4.59 euros per ported number, excluding VAT.

In the non-residential segment, portability is free for eight of the eleven nomadic telephone service providers. The remaining three operators charge a fee for portability, of 4.59 euros, 15 euros and 20 euros, respectively, and in the latter case, the amount is only charged to subscribers of offers without customer retention clauses.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

SAFETY AND EMERGENCY

9. SAFETY AND EMERGENCY

9.1. Population warning system

The desideratum of operationalising a Population Warning System stemmed from the National Strategy for Preventive Civil Protection, approved by Council of Ministers Resolution 160/2017, of 21 October, in particular with regard to the strategic objective of “Better preparation to deal with risk”, which included the priority area relating to “Monitoring, alert and warning systems”.

The Population Warning System is used in the event of the occurrence or imminent occurrence of a serious accident, catastrophe or emergency (e.g., forest fires, tsunamis, adverse meteorological phenomena, floods, dam failures, radiological emergencies, accidents at industrial facilities, terrorist attacks, among others), with the aim of providing information on the event concerned and on the self-protection measures to be adopted.

In Portugal, since 2018, there has been a system for sending warnings to the population based on transmission by SMS. This system is equipped with a web service-type interface, based on the Common Alerting Protocol (CAP), which allows expeditious and secure communication between Civil Protection Authorities and electronic communications companies to trigger the sending of warnings to the population, which may be preventive (with the aim of providing information about the event concerned) or focused on action (regarding self-protection measures to be adopted).

ANACOM, in conjunction with the Ministry of Internal Administration, set up a technical working group (WG) in 2018, and held a meeting with representatives of the Deputy Secretary of State and Communications (SEAC), the National Emergency and Civil Protection Authority (ANEPC), MEO, NOS, NOWO and ONI in 2022. The purpose of this meeting was to identify points requiring improvement in order to increase the effectiveness of this system, and several issues were addressed, of which the following are of particular note:

- Potential inclusion of international numbers in the exclusion list;
- Sending SMS alerts in stages;

- Introducing a manual mechanism, which enables an assessment of whether numbers on the exclusion list have been reassigned.

The ECL includes a specific article regarding the transmission of civil protection warnings (Article 68), which establishes, inter alia, that companies offering mobile interpersonal communication services based on numbers must transmit warnings to the population regarding imminent or ongoing emergencies or serious accidents or catastrophes to potentially affected end-users, under terms to be determined by the public authorities in charge of issuing the warnings to the population, using all available capacity and with the highest priority. The transmission of warnings to the population shall be free of charge for end-users and for the respective public authorities in charge.

That same article also provides that, under terms to be determined by the public authorities in charge of issuing the warnings to the population and provided that the effectiveness of the warning system is equivalent in terms of coverage, capacity and ease of reception (taking into account the guidelines issued by the BEREC), ANACOM may determine that warnings to the population should be transmitted by companies that offer publicly available electronic communications services, with the exception of broadcasting services, through the service or through a mobile application dependent on an Internet access service.

9.2. Single European emergency number – 112

Article 109(8) of the EECC provided that the EC would adopt, by 21 December 2022, the first delegated act, completing paragraphs 2, 5 and 6 of that article, on the measures necessary to guarantee the compatibility, interoperability, quality, reliability and continuity of emergency communications within the Union, with regard to caller location information solutions, access for users with disabilities and referral to the most appropriate Public Safety Answering Point. Following that established in the EECC, on 16 December 2022, the EC adopted Delegated Regulation (EU) 2023/444, with measures aimed at ensuring effective access to emergency services through emergency communications to the single European emergency number 112.

ANACOM actively monitored and contributed towards BEREC's work in relation to the said Delegated Regulation with comments and suggested amendments to the versions that preceded the final version of the document.

9.3. Beginning of the amendment procedure for Regulation 112L (Regulation 99/2009, of 23 February)

By decision of 22 November 2022²⁹, ANACOM approved the initiation of the procedure to amend Regulation 99/2009, of 23 February, on providing the authorities in charge of the emergency services with information regarding the location of the person calling the single European emergency number 112 (Regulation 112L).

The aim was to adapt the said Regulation to the new legal framework resulting from the publication of the ECL, also bearing in mind the migration of 112 traffic to IP interconnection and the expected technological development for the new generation of the 112 number (NG112). Regarding the migration of 112 traffic to IP interconnection, it is noted that the migration between MEO and the other companies was completed in 2022.

9.4. Legal Regime for Cybersecurity

Law 46/2018, of 13 August, established the Legal Regime for Cybersecurity (RJSC), transposing Directive (EU) 2016/1148, of the EP and of the Council, of 6 July 2016, to the Portuguese legal system. In turn, bearing in mind the need to regulate certain minimum requirements for the correct application of that legal regime, Decree-Law 65/2021, of 30 July, was published, which not only regulates the aspects to be observed by the entities covered by Law 46/2018, of 13 August, but also defines the obligations in terms of cybersecurity certification, thus ensuring the implementation, at national level, of the obligations arising from Regulation (EU) 2019/881 of the EP and Council, of 17 April 2019.

Consequently, the entities covered by those legal instruments - including ANACOM - are subject to a set of obligations to be observed, the development of which has spurred ANACOM to act diligently, both internally, continuing its activity with a view to full satisfaction of all obligations incumbent on it, and externally, having started the work of liaising with the National Cybersecurity Centre (NCSC), under the ambit of the National Cybersecurity Strategy Action Plan, in particular with the objective of intensifying co-operation among the main stakeholders of the sectors regulated by ANACOM.

²⁹ See <https://anacom.pt/render.jsp?contentId=1733974>.

9.5. Security Assessment Commission (SAC)

Under the ECL, in particular the provisions of Article 62(4), the Security Assessment Commission (SAC) was set up under the ambit of the Cyberspace Security Council, with the composition laid down in those provisions, of which ANACOM is a member, namely:

- a) The National Security Authority, which it chairs;
- b) A representative of the National Cybersecurity Authority;
- c) A representative of the NRA;
- d) A representative of the Internal Security System;
- e) A representative of the Information System of the Portuguese Republic;
- f) The Ambassador for Cyber Diplomacy;
- g) A representative of the Directorate-General for Foreign Policy;
- h) A representative of the Directorate-General for Defence Policy.

The SAC is responsible for carrying out security assessments on the use of equipment in any electronic communications networks. As a result of the safety assessment, this Committee may determine exclusion, the application of restrictions on the use or cessation of use of equipment or services, and must establish, whenever appropriate, a reasonable period for compliance.

Any security assessment of the use of equipment in any electronic communications network is dependent on the initiative of any member of the CAS, provided that it is justified on the basis of objective security criteria based on relevant information issued by the competent national and EU authorities, or that contained in national or European risk assessments for network security.

Once the CAS determination has been implemented, it is incumbent upon ANACOM, pursuant to paragraph 6 of the aforementioned Article 62, to enforce that determination, as well as to monitor its compliance, in accordance with the provisions of Article 177.

Moreover, in the course of its activity, the SAC may ask the entities involved to provide any information deemed relevant, as well as carry out inspections, whenever the security assessment is carried out in connection with the installation of a given electronics communications network.

9.6. Smishing and vishing with spoofing

Hand in hand with the enormous proliferation of this issue and the scale of the various types of fraud that have been observed, ANACOM has also become more concerned with tackling the problem, insofar as electronic communication networks and services are used, in particular email (so-called phishing), SMS (smishing) and voice calls (vishing). By using numbers belonging to credible entities, criminals take advantage of the trust generated in the targeted persons to manipulate their customers into sharing their personal data or access to bank accounts (e.g., for financial gain).

In this regard, ANACOM has been cooperating with the relevant entities in this domain, namely the NCSC, the Bank of Portugal, the Criminal Police, the Portuguese Banking Association, electronic communications operators and operators of essential services in the banking sector, with a view to mitigating this problem, which puts end-users and companies at risk.

9.7. Support for the Communications Emergency Planning Commission (CEPC)

Following the entry into force of Decree-Law 43/2020, of 21 July, the National Civil Emergency Planning System (NCEPS) was recreated. This system constitutes an essential tool of government action, cutting across all areas of the State, and aims to ensure the organisation and preparation of strategic sectors to ensure the freedom and continuity of government action, the regular functioning of essential public services and the safety and well-being of the population in crisis situations.

The NCEPS is made up of the National Council for Civil Emergency Planning (NCCEP) and nine Emergency Planning Commissions (EPC), in various sectors, including communications.

As stated in the aforementioned Decree-Law, the EPC depend on the member of the Government in charge of the respective area and, functionally, on the NCCEP, being

responsible for planning the sector they supervise with the aim of guaranteeing the continuity of government action, essential services for the population and also support for military operations in times of peace, crisis or conflict.

ANACOM, as NRA, appointed a President and Vice-President of the CEPC, having also created a support team for the CEPC with the aim of providing technical and administrative support to the Presidency of the Commission. The team's support for the CEPC has been shown in a variety of ways, particularly in the preparation of opinions and responses to requests from the NCCEP and participation in meetings.

With regard to 2022, between 14 and 18 November, the CEPC support team participated in the “*EU Integrated Resolve 2022*” exercise, jointly led by the EU Council, the EC and the European External Action Service. The “*Integrated Resolve*” (IR) exercises are intended to test the EU's ability to respond to crises and hybrid threats, including aggressive actions by state and non-state actors.

In this particular exercise, the scenario was centred on a fast-paced cross-border crisis of a hybrid nature, with internal and external dimensions, which aimed to test the decision-making of Member States and EU institutions, as well as to strengthen co-operation with the North Atlantic Treaty Organisation (NATO), specifically within the framework of the concept of Parallel and Coordinated Exercises (PACE).

9.8. Communications security exercises

On 8 and 9 June 2022, at the invitation of NCSC, ANACOM participated in the National Cybersecurity Exercise (*ExNCS2022*). *ExNCS2022* took place in an integrated manner and simultaneously with the pan-European exercise *CyberEurope 2022*, the scenario of which was oriented towards the Health sector, with potential impacts on other sectors.

The purpose of *ExNCS2022* was to exercise and test the national response capacity in the face of cybersecurity incidents and cyberattacks, ensure liaison and co-operation between the various actors, raising awareness and empowering the community to prevent and react to cybersecurity incidents and crises.

9.9. Other aspects

At national level, ANACOM collaborated with various entities in the field of communications security, namely in meetings of the Cyberspace Security Council, which is enshrined in Article 5 of Law 46/2018, of 13 August, of which ANACOM is a member.

As this is the Prime Minister's specific consultation body for matters relating to cyberspace security, its responsibilities include, specifically:

1. Ensuring political/strategic coordination for cyberspace security;
2. Verifying the implementation of the National Cybersecurity Strategy;
3. Giving an opinion on the National Cybersecurity Strategy prior to its submission for approval;
4. Preparing annually, or whenever necessary, an assessment report on the implementation of the National Cybersecurity Strategy;
5. Proposing to the Prime Minister, or the member of the Government to whom he delegates powers, the approval of decisions of a programmatic nature related to the definition and implementation of the National Cybersecurity Strategy;
6. Issuing an opinion on matters relating to cybersecurity;
7. Responding to requests from the Prime Minister, or the member of the Government to whom he delegates powers, within the scope of his powers.

Also at the national level, ANACOM participated as a member of the Monitoring Board and Ethics Committee of the "Secure Internet Centre" project and collaborated with various entities with regard to communications security, namely at meetings of the Cyberspace Security Council.

At international level, in the *ENISA - ECASEC Expert Group* (former Article 13a), in the *NIS Co-operation Group - Work Stream on Cybersecurity of 5G networks*, in the Organisation for Economic Co-operation and Development (OECD), in relation to work on *Privacy and Security*, with the International Telecommunication Union (ITU), at the level of the *Cybersecurity Global Agenda*), and in the BEREC.

REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

RADIO SPECTRUM MANAGEMENT

10. RADIO SPECTRUM MANAGEMENT

10.1. Implementation of EC Decisions

In terms of spectrum management, it is incumbent upon ANACOM to implement the EC implementing Decisions on spectrum harmonisation within the EU, as established in Article 32(2) of the ECL.

Thus, in 2022, ANACOM proceeded with the implementation of Commission Implementing Decision (EC) 2022/173, of 7 February 2022, on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing electronic communications services in the Union, and repealing Decision 2009/766/EC, of 16 October 2019.

The objective of this Decision is to replace Commission Decision 2009/766/EC, of 16 October 2009, preserving, on the one hand, compatibility with the systems operating in adjacent bands and, on the other, altering the regulatory technical framework applicable to the 900 MHz and 1800 MHz frequency bands, which are now technologically neutral, thus allowing the deployment of 5G technology in both bands, while ensuring the continuity of service provision using previously authorised technologies, in particular GSM.

10.2. Amendment and republication of rights of use of frequencies

Following the national implementation, in May 2022, of Commission Implementing Decision (EU) 2022/173, of 7 February 2022, on the harmonisation of the 900 MHz and 1800 MHz frequency bands for terrestrial systems capable of providing electronic communications services in the Union, ANACOM decided to amend and republish the RUF assigned to Digi Portugal, Sociedade Unipessoal, Lda (DIGI), MEO, NOS, NOWO and VODAFONE, reflecting within its scope the application of the aforementioned EC Implementing Decision.

10.3. Strategic Spectrum Plan (SSP)

On 20 December 2022³⁰, ANACOM adopted the National Strategic Plan for the radio spectrum, which establishes criteria and principles in relation to the spectrum, highlighting

³⁰ See <https://www.anacom.pt/render.jsp?contentId=1735611>.

ANACOM's global strategic vision and develops the topics considered of greatest importance for spectrum management in the national context, following public consultation with the various players in the market (manufacturers, operators, private and public entities and others) on strategies regarding the availability of frequencies for civil radio services/applications.

This plan indicates the main strategic actions leading to the provision of frequencies for civil radio services/applications for the future, in order to satisfy new spectrum needs, considering the specificities of each service/application within the scope of its evolution.

The SSP identifies the set of aspects to be taken into account when defining the spectrum management strategy to be implemented by ANACOM, in order to maximise the well-being of citizens and users of services provided based on the spectrum, as well as to generate a positive impact on society and the economy, recognising, among others, the relevance of the following:

- Continuous monitoring with a view to applying more modern means in spectrum regulation to ensure that the available spectrum is used efficiently and effectively, maximising the gains that are generated for its users, for citizens in general and for the economy as a whole;
- Ensuring conditions of competition in electronic communications markets;
- Regulatory predictability;
- Compliance with the principle of technological neutrality;
- Continued search for innovative and increasingly efficient spectrum sharing techniques;
- International coordination as an essential element of the SSP, with the committed involvement of the sectorial entities in the relevant international activities, along with ANACOM, being crucial.

10.4. 26 GHz frequency band

At the end of 2021, after completing the procedure for allocating Rights of Use of the Radio Spectrum (RURS) by auction³¹, ANACOM approved the launch of a public consultation on the availability of the 26 GHz frequency band, one of which forms part of the set of pioneer/priority bands for the development of 5G, in particular by providing ultra-high capacity, while allowing coverage with a smaller dimension compared to the other frequency bands (e.g., 700 MHz and 3.6 GHz), which could enable new business models and sectors of the economy to benefit from 5G. It should be noted that this was the second public consultation launched by ANACOM on this frequency band which, together with the 700 MHz and 3.6 GHz bands, was identified as a pioneer for 5G by the Radio Spectrum Policy Group (RSPG).

The public consultation aimed to survey the position of the various players in the market - manufacturers, operators, private and public entities and others - on the provision of spectrum in the 26 GHz band, which will be considered and contemplated in a subsequent adoption of ANACOM decisions on the matter, including with regard to the definition of the procedure and conditions for assigning the spectrum, as well as the respective conditions of use.

The public consultation report was approved by ANACOM decision on 13 July 2022³². ANACOM noted the market's interest, which was mostly in favour of making the 26 GHz band available for *International Mobile Telecommunications* (IMT), with a focus on the implementation of 5G under the ambit of the mobile operators' commercial operations, on use by "verticals"³³ and on area of research and development (R&D). Regarding making this range available to the market, it was noted that it could be influenced by two factors; one related to the respective ecosystem is relatively undeveloped; and another with the fact

³¹ See <https://www.anacom.pt/render.jsp?categoryId=415903>.

³² See <https://www.anacom.pt/render.jsp?contentId=1712071>.

³³ *Verticals* are markets or sectors of society where 5G technologies and systems are expected to be widely used and are therefore essential to boosting 5G. Among these *verticals*, the automotive sector, agriculture, the health sector, the media and entertainment, logistics, industry in general, the energy sector and public utility services are of particular importance. 5G is expected to help transform these markets, enabling new business models and new services (which were not enabled by previous mobile networks). However, it is expected that these *verticals* will use other networks in addition to 5G networks, namely to complement 5G networks. See <https://portal5g.pt/perguntas-frequentes/o-que-sao-os-denominados-verticais-e-que-tecnologias-podem-utilizar- apenas-5g-ou-outras/>.

that, in Portugal, part of the band is influenced by military management uses. With a view to facilitating the introduction of 5G at national level, a redistribution of the spectrum in the 26 GHz band for civil and military management was agreed in the meantime, under the ambit of the revision of the Peacetime National Frequency Sharing Agreement, with the spectrum under civil management being put all together in the higher part of the band, in a total of 2400 MHz.

10.5. Availability of spectrum in the 1500 MHz frequency band

In 2018, ANACOM launched a public consultation on the provision of spectrum in the 700 MHz frequency band and in other relevant bands: 450 MHz, 900 MHz, 1500MHz, 1800MHz, 2.1GHz, 2.6GHz, 3.6GHz, and 26GHz³⁴.

From this consultation, the 1500 MHz band did not raise, therefore, an interest that would justify the relevance of its inclusion in the set of bands covered by the 5G auction and other relevant bands, which took place in 2021.

In June 2022, ANACOM again surveyed the market, having launched a new public consultation which aimed to survey the position of the various players in the market (manufacturers, operators, private and public entities and others) on interest in making spectrum available in the bandwidth 1500 MHz for terrestrial electronic communications services (TECS).

The public consultation report was approved by ANACOM on 13 September 2022³⁵, it being concluded that it was premature to make the 1427-1517 MHz band available in the period 2023-2024 for TECS. It was also decided that ANACOM will carry out a further consultation to assess, in due time, the market's interest in the 1427-1517 MHz frequency band, including the maturity of the ecosystem, and that this same 1427-1517 MHz frequency band may continue to be used by fixed service connections until the end of 2024, with the current radio licences being renewable for an additional period of 2 years (with an expiry date of 31 December 2024).

³⁴ See <https://www.anacom.pt/render.jsp?categoryId=393597>.

³⁵ See <https://www.anacom.pt/render.jsp?contentId=1724291>.

10.6. Peacetime National Frequency Sharing Agreement (NFSA)

The ANPF reflects the agreements reached between ANACOM and the Armed Forces General Staff (AFGS), in terms of radio spectrum sharing. The aforementioned Agreement details the frequency bands identified as being for civil management (classification C), as well as the frequency bands identified as being for military management (classification M), which aim to satisfy the needs of establishing radiocommunications in the national territory for the Armed Forces and National Security Forces.

In 2022, ANACOM, in conjunction with the AFGS, carried out a full review of the NFSA, as, among other aspects, it did not reflect the amendments to the Radio Regulations (RR) that had been introduced at the successive ITU World Radiocommunications Conferences, European Decisions and bilateral agreements established between ANACOM and the AFGS since 2010.

Without prejudice to the importance of the various changes agreed for each sub-band, the negotiation of the 26 GHz band is highlighted, as it is a spectrum of major importance from a civilian standpoint for the next stage of 5G development.

The NFSA entered into force on 1 January 2023.

10.7. 700 MHz band (duplex gap and guard bands)

On 27 December 2022, ANACOM launched a public consultation on the availability of spectrum in the 700 MHz frequency band – duplex gap and guard bands³⁶, which ended in 2023.

This consultation aimed to survey the position of the various players in the market (manufacturers, operators, private and public entities and others) on the provision of spectrum in the 700 MHz band – duplex gap and guard bands, which will be considered and contemplated in a subsequent adoption of ANACOM decisions on the matter, including with regard to the definition of the procedure and conditions for assigning the spectrum, as well as the respective conditions of use.

³⁶ Available at <https://www.anacom.pt/render.jsp?contentId=1735819>.

10.8. Frequency bands 47.2-50.2 GHz and 50.4-52.4 GHz FSS

In recent years, the satellite communications sector has witnessed the emergence of new systems, particularly in non-geostationary orbit - the so-called New Space industry - which provide "broadband" services in remote locations, involving the use of earth stations installed in all kinds of mobile platforms (aircraft, ships, trains, cars, etc.) and use increasingly higher frequency bands.

Several satellite operators are developing or have already developed systems for the 47.2-50.2 GHz and 50.4-52.4 GHz frequency bands. In other words, mirroring the trend observed in other services, the satellite industry has also evolved to using higher frequencies.

Thus, in 2022, ANACOM implemented Decision ECC/DEC/(21)01, approved on 5 November 2021 and updated on 4 March 2022, on the harmonisation of the 47.2-50.2 GHz and 50.4-52.4 GHz frequency bands for earth stations under the fixed satellite service (FSS) in the upward direction (Earth - space), which aims to promote a favourable and stable regulatory environment, therefore important to boost investment by part of the industry in the new systems and expand the range of services offered in the areas covered.

10.9. Situation report on 5G development in Portugal

After the start of the commercial offer and the installation of the first base stations associated with 5G, on 4 July 2022, ANACOM made available, for the first time and, since then, has updated on a quarterly basis, a report with a situation report regarding the development observed in the implementation of these latest generation mobile communications networks.

In these reports, special focus was given to the evolution of the number of base stations installed in the national territory, with the distribution segmented at the level of districts, municipalities and parishes.

At the end of the 4th quarter of 2022, the number of base stations installed in the national territory with 5G technology amounted to 5 842 stations, distributed over 302 municipalities (98% of municipalities in the country) and 1 526 parishes (49% of parishes in the country).

10.10. Sound broadcasting - Requests for assignment of programme services and respective licences

With regard to requests to change the transferability of licences for the Sound Radio Broadcasting service – FM, in the year 2022, following the Determination of the Regulatory Council of the Regulatory Authority for the Media (RAM) and the conclusion of the process of assignment of the local programmes service to the municipality of Oliveira de Azeméis, called “Caima FM” and respective licence, the ownership of the respective radiocommunication station licence and the Authorisation for the Operation of the Data Transmission System in Broadcasting (BS) of the operator was changed from Cloverpress, Lda to Quarteto das Letras, Unipessoal, Lda.

10.11. Radio licensing

- **Licensing of networks and stations**

The licensing of networks and stations of the various radiocommunications services ensures compliance with technical standards and guarantees that the use of the radio spectrum is carried out without interference, in accordance with the provisions of Decree-Law 151-A/2000, of 20 July, in its current wording. In 2022, with regard to requests related to applications for allocations, alterations and revocations of licences for some radiocommunications services, requests were dealt with in the distribution shown in the following table.

Table 8 - Requests related to requests for assignments, alterations and revocations of radio licensing

Services	2022
Fixed service	822
Public Mobile Services	223
Land Mobile Service Private Networks	594
Satellite services	64
Broadcasting service	100
Temporary	858
Amateur and Amateur-Satellite Services	1262
TOTAL	3923

Source: ANACOM.

The number of active licences, at the end of 2022, is reflected in the following table.

Table 9 - Number of active radio licences

Services	2022
Amateur	236
Fixed	555
Fixed satellite	55
Mobile	24
Maritime Mobile	715
Aeronautical Mobile	505
Mobile satellite	3
Land mobile	2201
Space operations	48
Radio astronomy	2
Riodetermination	6
Broadcasting	789
Radiolocation	59
Aeronautical radio navigation	124
Maritime radio navigation	5
TOTAL	5327

Source: ANACOM.

- **Temporary radio licensing**

Events of limited duration have very particular characteristics with regard to the use of radiocommunication systems, in terms of their production, organisation and security, and require the assignment of the frequencies necessary for use of the systems for these purposes.

In 2022, confinement measures practically disappeared, which contributed towards a significant increase in the number of events and, consequently, a significant increase in the number of temporary licences granted, from 373 in 2020 to 649 in 2021, and 811 in 2022.

In this context, there are numerous events, such as *Rock in Rio*, *Meo Sudoeste*, *MotoGP*, the *Tour of Portugal* cycling race, among others, which stand out not only from a media standpoint, but also due to the amount of radio resources needed to ensure their production.

The social value of the spectrum is quite important, since it is linked to the benefits generated by the decision to release it for an electronic communication service, which aims at the intrinsic development of economic, social and/or cultural phenomena. For example, through FM sound broadcasting, the Portuguese Football Federation provided an audio commentary service for the visually impaired, representing a major contribution towards social inclusion.

At the same time, it is important to highlight cross-border coordination with Spain and Morocco. This co-operation between countries is necessary to avoid interference, both in stations in Portugal and in stations in those countries. In 2022, around five hundred coordination requests were handled.

The maintenance of the reduced number (37) of temporary RDFM licences issued in 2022³⁷ should also be mentioned, which was due to the fact that, because of the end of most of the restrictions associated with the COVID-19 pandemic, many show producers have stopped holding events in a “*Drive In*” format.

In 2022, 811 temporary licences were granted, comprising 55 satellite news gathering (SNG³⁸) station applications, 102 SAP/SAB applications, and 1 087 applications for the private land mobile service. Added to these, there were 37 temporary station licences in the frequency modulated (FM) radio broadcasting service band, 3 licences for point-to-point fixed service connections, 4 aeronautical mobile service licences, 4 station licences for the radiodetermination service and 1 licence for terrestrial electronic communications services.

³⁷ In 2020, 86 licences were issued and, in 2021, 36 licences were issued.

³⁸ SNG stations - satellite news gathering stations.

A total of 40 authorisations were granted for carrying out military exercises, 17 authorisations for the use of frequencies by foreign naval ships; as well as 33 authorisations for the security of foreign entities on official visits to Portugal.

- **Technical Tests**

During 2022, ANACOM continued to authorise the use of radio spectrum to carry out technical tests and scientific studies using various technologies, namely those that will contribute to the launch of 5G in Portugal (see Article 5(3) of Decree-Law 151-A/2000, of 20 July, in its current wording).

In the context of 5G, technical tests were authorised in the 700 MHz, 2.4 GHz, 3.8-4.0 GHz, and 26 GHz bands for testing this technology.

ANACOM also made a very active contribution to the temporary assignment of frequencies for the REP(MUS) exercise in 2022, which involved several frequency bands.

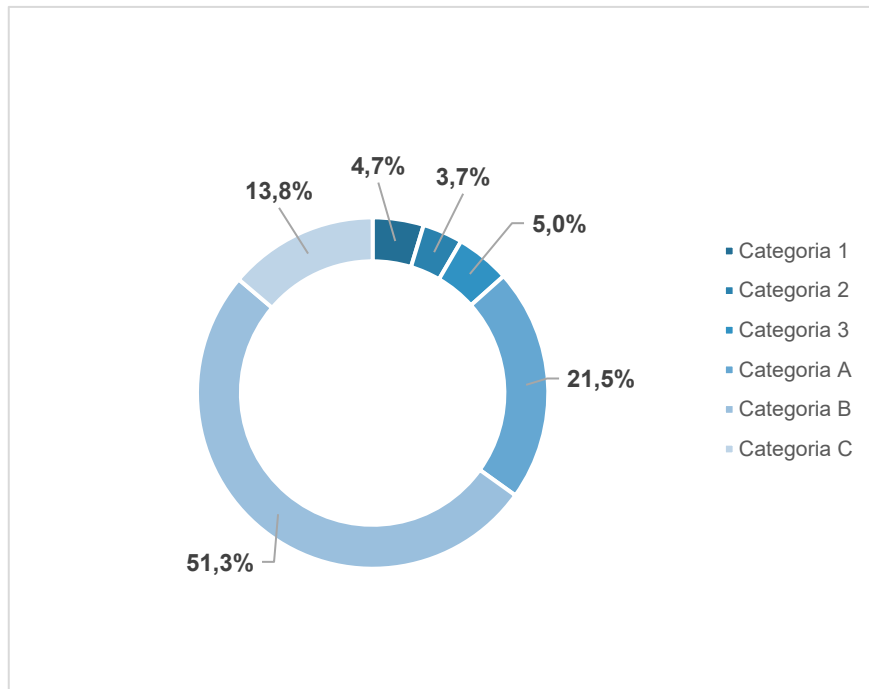
At the same time, and bearing in mind the importance of encouraging the research sector and domestic industry to develop innovative technological projects, innovative research projects were also analysed, in which it is up to ANACOM to create the respective regulatory framework, from the perspective of radio spectrum use.

- **Amateur and Amateur-Satellite Services (AASS)**

With regard to the management of AASS, at the end of 2022, there were around 5 300 amateurs (active and suspended), with the following distribution by category and geographic area³⁹ (see the following charts):

³⁹ Information on the rule relating to amateur categories can be found in Article 5 of [Decree-Law 53/2009, of 2 March](#).

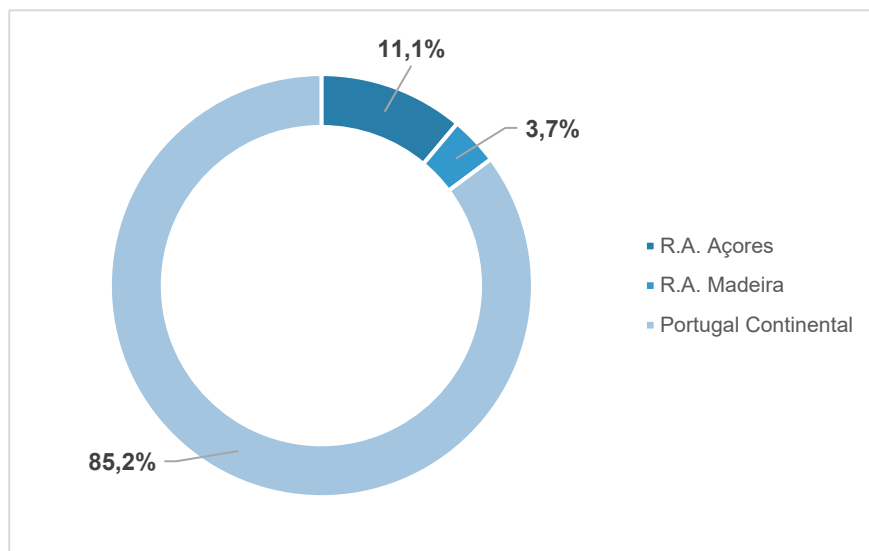
Chart 9 - Distribution of amateurs (active and suspended) by category



Source: ANACOM

Note: Amateur categories: 1, 2, 3 – categories obtained under current regulations. Amateur categories: A, B, C – categories under the regulations prior to 1 June 2009.

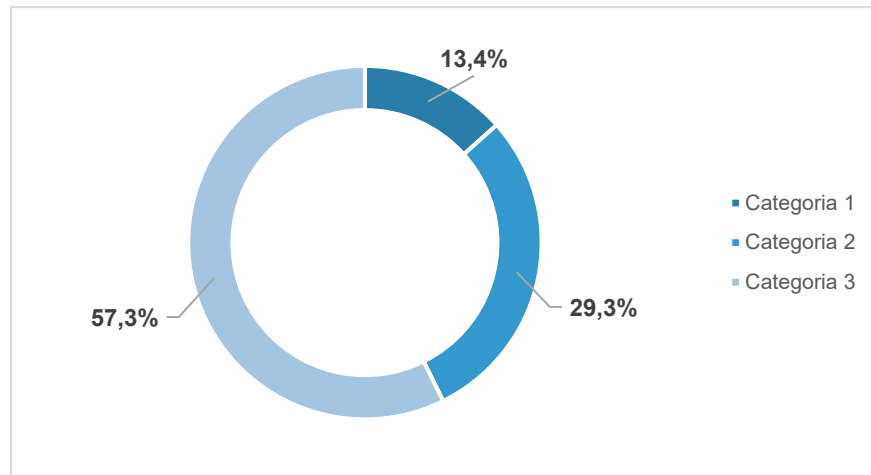
Chart 10 - Distribution of amateurs (active and suspended) by geographic area



Source: ANACOM

In 2022, 158 amateur aptitude tests were held (with a pass rate of around 88.6%), with the following breakdown by category:

Chart 11 - Distribution of amateur tests



Source: ANACOM

At the operational level, ANACOM received 1 270 requests (regarding changes, national amateur certificates, authorisations, clarifications, non-proprietary station licences and occasional call signs), of which around 99% were handled and concluded with an average response time of around two days.

It is also important to highlight the special permits granted for AASS use:

- In the 1850-2000 kHz band, for participation in competitions;
- In the 5 MHz band, to carry out ionospheric propagation tests, among a total of 53 permits;
- In the 2.3-2.4 GHz, 2.4-2.45 GHz and 5.65-5.85 GHz bands, for scientific studies, experiments and various activities of interest to amateur radio, specifically the use of the *Es'hail-2* geostationary satellite and lunar reflection and meteorite tests, among a total of 48 permits.

10.12. Protection of radio stations and networks

Some radio wave connections and licensed radio stations enjoy special protection to guarantee their operation without interference caused by obstacles to propagation. This

protection is achieved through the constitution of administrative easements, under Decree-Law 597/73, of 7 November, in which conditions are defined in territorial zones of clearance or release. ANACOM is asked to issue an opinion on the feasibility of installing buildings and infrastructure in these areas. Additionally, it is asked to give its opinion on the creation of detailed plans (DP) and urban development plans (UDP), on the installation of wind farms (WF), photovoltaic power stations (PPS) and power transmission lines (PL), on the construction of roads or railway lines, hydroelectric installations or on quarrying, among others. Additionally, under the ambit of Decree-Law 11/2003, of 18 January, ANACOM analyses projects and issues technical opinions on the possibility of installing radiocommunication infrastructure in areas constrained by radio electric easements.

In 2022, 855 requests were handled (29 from the previous year and 827 that were filed in 2022), translating into an increase of 33% compared to the number of requests handled in 2021. The following table shows the number of requests handled by type of request.

Table 10 - Distribution of handled requests

Request type	N° of requests handled in 2022
Of a general nature	12
MMP (opinions and meetings)	345
UDP and DP (opinions and meetings)	26
Power Transmission Lines (PL)	61
Installation of radiocommunication infrastructure	8
Wind farms (WF)	28
General infrastructure projects and division of land	34
Photovoltaic power station (PPS) projects	68
Mines, quarries and industrial projects	27
Highway, road and railway projects	41
Individual and collective housing projects	200
Rivers and reservoirs	2
Creation of radio electric easements	3
TOTAL	855

Source: ANACOM

From the values presented above, in relation to the previous year, the major increase in requests for MMP (Municipal Master Plans) stands out.

10.13. Renewal of the Right of Use of the Radio Spectrum (RURS) DTT

On 6 December 2022, MEO, pursuant to the provisions of point 15 of certificate “ICP-ANACOM 06/2008” and Articles 41 and 188(2) of the ECL, submitted to ANACOM a request for renewal of the RURS it holds for the digital terrestrial television broadcasting service associated with *Multiplexer A*.

ANACOM analysed this request and, in 2023, approved a draft decision on the renewal of the right of use of frequencies, which, in line with the ECL in force, will be renamed “Right of Use of the Radio Spectrum (RURS)”.

In this draft decision, ANACOM considered that nothing prevents the renewal of the RURS, for a period of 7 years (until 10 December 2030), which will have an impact on a significant strata of the population, as well as on the free television retail market and on the wholesale market for digital terrestrial broadcasting free of charge to end-users. It further considers that no conditions should be imposed other than those set out above, which shall remain applicable.

It is also considered appropriate to update the wording of the RURS, with a view to including the changes arising from the entry into force of the ECL, also integrating the update of information regarding land coverage obligations.

This draft decision was submitted to a prior hearing of the interested entities (MEO, RTP, SIC, TVI and ARTV - Canal Parlamento), under the terms of the CAP, as well as the general consultation procedure established in Article 10 of the ECL.

This work will continue in 2023, paying particular attention to the results of the public consultation launched on 14 February and the prior hearing.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

NUMBERING

11. NUMBERING

11.1. Allocation of rights of use of numbering resources for electronic communications services

In 2022, new rights of use of numbering resources referring to geographic numbers (NNP '2xy' range) were allocated, with a total of 110,000 new geographic numbers being assigned, 40,000 of which were in the geographic areas of Lisbon and Porto. The need for new geographic numbers is aligned with:

- The increase in the number of accesses assigned to the fixed telephone service, which is explained, in part, by the fact that this service is included in 3P/4P/5P service packages, in relation to which the number of subscribers continues to grow. At the end of 2022, the number of subscribers to bundled offers was 4.6 million, 158 000, or 3.6%, more than in the previous year. Currently, it is estimated that the residential penetration of these offers is 91.4 per 100 families⁴⁰.
- The entry into the national market of a company that started to offer a telephone service at a fixed location and which requested the allocation of rights of use.

For the period between 2020 and 2022, comparative data for the last three years relating to the assignment and recovery of rights of use of numbering resources corresponding to geographic numbers of the PNN are as follows:

⁴⁰ Source: ANACOM – Annual report on packages of electronic communications services 2022.

Table 11 - Geographic numbers - Evolution of the National Situation (2020 to 2022)

Year	Assigned (A) or Recovered (R)	Geographic numbers ¹					
		Geographic area of Lisbon	Geographic area of Porto	Other geographic areas	Annual totals	A - R	Total assigned
2020	A	20 000	20 000	100 000	140 000	140 000	30 040 001
	R	0	0	0	0		
2021	A	30 000	20 000	60 000	110 000	110 000	30 150 001
	R	0	0	0	0		
2022	A	20 000	20 000	70 000	110 000	110 000	30 260 001
	R	0	0	0	0		

¹ Geographical numbers are assigned in blocks of 10 000 numbers.

With regard to non-geographic numbering, which includes mobile numbers (NNP ranges '91', '92', '93' and '96'), in 2022, 200 000 mobile numbers were allocated to two companies that started to offer a mobile telephone service in the national market.

For the period between 2020 and 2022, the following table presents comparative data for the last three years relating to the assignment and recovery of rights of use of numbering resources corresponding to geographic numbers of the PNN.

Table 12 - Mobile Numbers – Evolution of the National Situation (2020 to 2022)

Year	Assigned (A) or Recovered (R)	Mobile numbers ¹		
		Mobile Telephone Service	A - R	Total assigned
2020	A	500 000	500 000	37 000 000
	R	0		
2021	A	0	0	37 000 000
	R	0		
2022	A	200 000	200 000	37 200 000
	R	0		

¹ Mobile numbers are allocated in blocks of 10 000 numbers for the '92' range and have been allocated in blocks of 10 000 000 numbers for the '91', '93' and '96' ranges. Rights of use of numbering resources of the ranges '609' and '669' are implicitly assigned for access to voicemail services, respectively, querying the mailbox and message storage, and of the ranges '639' and '659', respectively, for accessing mobile fax and data services.

With regard to other non-geographic numbers, which include nomadic numbers (range '30' of the NNP) and translation numbers (ranges '707', '708', '760', '761', '762', '800', '808' and

'809' of the NNP), 10 000 nomadic numbers will be allocated in 2022, as explained in the following table regarding the period between 2020 and 2022:

Table 13 - Nomadic and translation numbers - Evolution of the National Situation (2020 to 2022)

Year	Assigned (A) or Recovered (R)	Non-geographic numbers ¹					
		Nomadic numbers			Translation numbers		
		Nomadic Telephone Service	A - R	Total assigned	Translation services ²	A - R	Total assigned
2020	A	10 000	10 000	700 003	10 000	-30 000	1 075 810
	R	0			40 000		
2021	A	20 000	10 000	710 003	20 100	10 100	1 085 910
	R	10 000			10 000		
2022	A	10 000	10 000	720 003	0	0	1 085 910

¹ Nomadic and translation numbers are allocated in blocks of 10 000 numbers, with the exception of the '8008' range, which can be allocated, individually, in blocks of 100 or in blocks of 1 000 numbers.

² Translation services are offered through the ranges '707', '708', '760', '761', '762', '800', '808' and '809' of the NNP.

With regard to short numbers (ranges '10xy', '116xyz', '14x(y)', '15xy', '16xy(z)' and '18xy' of the NNP), in 2022, the allocation and recovery of 1 block of 10 short numbers assigned to the customer support service (NNP '16xy(z)' range) should be noted. The block of short numbers '16xy(z)' was awarded to a company that started offering electronic communications networks and services in the national market.

For the period between 2020 and 2022, the data relating to the allocation and recovery of rights of use of numbering resources corresponding to short numbers of the NNP are as follows:

Table 14 - Short numbers - Evolution of the National Situation (2020 to 2022)

Year	Assigned (A) or Recovered (R)	Short numbers		
		Short numbers ¹	A - R	Total assigned
2020	A	1	0	154
	R	1		
2021	A	10	9	163
	R	1		
2022	A	10	0	163
	R	10		

¹ Short numbers are assigned individually with the exception of the '16xy(z)' range, which are assigned in blocks of 10 numbers.

In short, at the end of 2022, more than 30 million geographic numbers were assigned at national level, 37.2 million mobile numbers, more than 720 000 nomadic numbers; and over 1 million non-geographic numbers for translation services.

11.2. Allocation of rights of use of numbering resources for audiotext services and message-based value-added services (SMS VAS)

In 2022, the trend observed in previous years was maintained, with no NNP numbers assigned or recovered for the provision of audiotext services (ranges '601', '607', '608', '646' and '648' of the NNP).

With regard to message-based value-added services (SMS VAS) (ranges '61', '62', '68' and '69' of the NNP), 2 numbers from the range '68' were recovered, not having been assigned any number.

11.3. Creation of a specific range in the national numbering plan for transmission services used to provide machine-to-machine services

By decision of 11 October 2022⁴¹, ANACOM approved the collection of additional contributions under the ambit of the regulatory procedure, initiated on 30 May 2019,

⁴¹ Available at <https://anacom.pt/render.jsp?contentId=1730070>.

regarding the creation of a specific range in the NNP for transmission services used for the provision of M2M services.

This additional collection was justified by the time elapsed since the launch of the aforementioned procedure, given the growing significance of these services, the regulatory options already adopted by other European countries, and given the adoption of Regulation 1028/20215, of 29 December (Sub-Assignment Regulation) and the entry into force, on 14 November 2022, of the ECL.

In this context, by decision of 27 December 2022⁴², ANACOM approved the draft Regulation⁴³ on the designation of the '49' range of the NNP for the provision of the transmission service used for the provision of M2M services and the mobile Internet access service, and this range can be used within the scope of *eCall* systems. The draft Regulation was submitted to the due public consultation procedure, under the applicable legislation, for a period of 30 working days from its publication in the *Diário da República*, which ended during 2023. The Regulation was approved in 2023.

⁴² Available at <https://www.anacom.pt/render.jsp?contentId=1735853>.

⁴³ Notice 594/2023, published on 11 January - <https://dre.pt/dre/detalhe/aviso/594-2023-205994629>.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

INNOVATION, LABORATORY
ACTIVITIES AND STANDARDISATION

12. INNOVATION, LABORATORY ACTIVITIES AND STANDARDISATION

12.1. Innovation

- **Technological Free Zones (TFZ)**

Over the course of 2022, ANACOM collaborated in liaison with the National Innovation Agency (NIA), in the analysis of various expressions of interest in the creation of a TFZ, as provided for in Decree-Law 67/2021, of 30 July, with a view to drawing up the respective regulations to be approved by Ordinance. The regulation of the first TFZ, the Infante D. Henrique, was approved by Ordinance 189/2022, of 25 July.

- **National strategy for mooring submarine cables in Portugal**

Under the ambit of the *EU Atlantic Data-Gateway Platform*, which forms part of the *EU Global Gateway*, in 2022, ANACOM continued to contribute to the promotion of international connectivity in Portugal, namely through the promotion of the mooring of submarine cables and the promotion of data centres, with the aim of developing the sector in Portugal and setting up an R&D centre in this field.

To this effect, ANACOM actively participated in the area of submarine cables, promoting the follow-up of the future CAM ring and *SMART* climate monitoring and seismic detection technology, in accordance with a study previously coordinated by ANACOM with entities with different competences, namely the consortium LEA (founded by the D. Luis Institute and the Telecommunications Institute), with weekly meetings, and the ITU *Joint Task Force SMART (Science Monitoring and Reliable Telecommunications) Cables*.

- **Sustainability**

In terms of sustainability, ANACOM's participation in various events and initiatives should be highlighted, as well as its collaboration with the Portuguese Quality Association (PQA).

- Participation in the Global *Digital with Purpose* Conference, more specifically on the panel “Global Ocean Observation for Climate Monitoring and Disaster Risk Reduction”;
- Participation, in partnership with *Fórum Oceano*, in the Session on “SMART Submarine Cables in a Sustainable Ocean: Global Ocean Observation for

Climate Monitoring and Disaster Risk Reduction", integrated as a parallel event into the United Nations (UN) Oceans Conference, "A Sustainable Ocean";

- Organisation, at the Lisbon Academy of Sciences, of the session "*Smart Cables in a Sea of Connectivity, Serving Science and Populations*", in partnership with the Portuguese Government (Sea Area), the Lisbon Academy of Sciences, the Portuguese Committee for the Intergovernmental Oceanographic Commission (IOC/UNESCO) and the Portuguese Institute of the Sea and the Atmosphere (PISA).

- **Co-operation with other entities**

In 2022, ANACOM continued to promote and strengthen its relationship and collaboration with various entities in the field of innovation, such as, among others, the National Innovation Agency (NIA), in the context of the TFZ; the Directorate-General for Natural Resources, Safety and Maritime Services (DGMR), under the ambit of establishing conditions for speeding up the installation of submarine cables; the National Civil Aviation Authority (NCAA), in creating conditions for the use of unmanned aircraft; the Business Communications Association of Portugal (BCAP), in the context of smart homes; and the Ocean Forum, in promoting synergies between electronic communications and activities associated with the sea.

12.2. Laboratory activities

The activity of supervising the equipment market is complemented by laboratory activity, as the former results, in many cases, in the shipment of equipment to ANACOM's Laboratorial and Standardisation Centre, to carry out tests and calibration of measuring equipment. However, the laboratory activities are not limited to support for inspection and calibration of internal equipment, since it also performs radio tests and electromagnetic compatibility tests and calibrations for third parties.

In 2022, the laboratory area was subject to annual assessment by the accrediting entity, the Portuguese Accreditation Institute (IPAC), resulting in the maintenance of the Laboratory's accreditation in accordance with the NP EN ISO/IEC 17025 of 2018.

The main actions carried out in relation to support techniques under the ambit of supervision of the market for radio equipment and telecommunications terminal equipment are mentioned below, as well as the work carried out in the Laboratory.

- **Radio (RAD) test area**

In this area, 166 items of radiocommunications equipment were tested, 129 under the ambit of market supervision and 37 items of equipment seized in spectrum supervision actions. Nonconformities were found in 22 units, corresponding to approximately 13.3% of all the tested equipment.

- **Electromagnetic compatibility (EMC) testing area**

In total, 144 requests were handled in this area. For purposes of market surveillance under the ambit of the EMC and RED Directives, 94 requests were handled, of which 24 were inconclusive (due to failure, being in no condition to be tested, instrumentation out of service, etc.) and of the remaining 70 requests, 10 demonstrated nonconformities. For other internal customers, 19 requests were handled. Another 31 requests from external entities were also dealt with, mostly from industry.

- **Calibration (CAL) Area**

In 2022, 317 equipment calibration jobs were carried out. Of the equipment calibrated, 101 items were internal and 216 were from external customers. With regard to the calibration of equipment for external customers, there was a substantial increase compared to previous years.

- **Support laboratorial activities under the ambit of the radio equipment and telecommunications terminal equipment market**

At the Laboratorial and Standardisation Centre, technical investigations were also carried out, at the request of the courts and the criminal police, on digital television signal receiving devices. These technical investigations took place under the ambit of legal procedures to verify and validate the existence of practices associated with *cardsharing* or other forms of illicit access to content protected by conditional access.

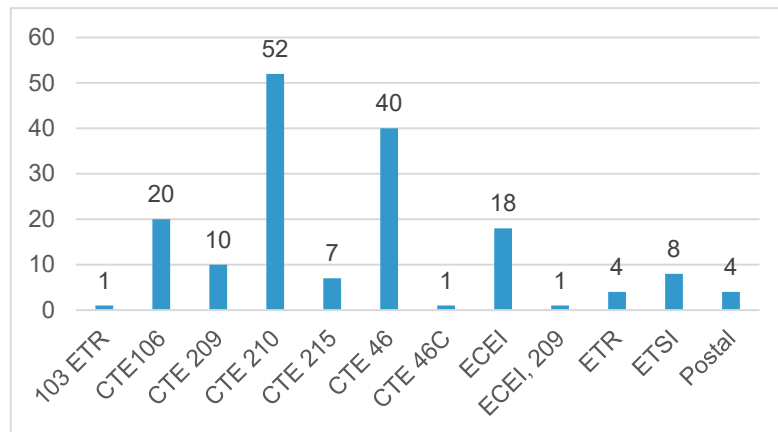
12.3. Standardisation

ANACOM is recognised as a Sector Standardisation Body (SSB ANACOM) in the field of communications (telecommunications and postal services) and electromagnetic compatibility, in the field of standardisation, within the framework of the national quality management system, in close liaison with the Portuguese Institute of Quality (PIQ).

In this specific context, SSB ANACOM is responsible, through its national technical commissions set up for the purpose, for analysing and evaluating the standardisation activities originating from European and international standardisation bodies: European Committee for Standardisation (CEN), European Committee for Electrotechnical Standardisation (CENELEC), European Telecommunications Standards Institute (ESIT), International Organisation for Standardisation (ISO) and International Electrotechnical Commission (IEC).

Under the ambit of SSB ANACOM’s activity, in 2022, 167 consultations were responded to, according to the distribution, by national technical commissions and consultation groups, as shown in the following chart.

Chart 12 - SSB Consultations in 2022



Source: ANACOM.

Unit: number of queries answered.

Horizontal axis legend: RTE - Radiocommunications Transmission Equipment (Consultation Group); ETSI (ETSI miscellaneous issues consultation group); ECEI (consultation group) - Audio, video and multimedia systems and equipment; CTE - National Technical Commission for Electrotechnical Standardisation; CTE 46 and CTE 46C - Cables, wires and waveguides for telecommunications equipment; CTE 106 - Electromagnetic fields in the human environment; CTE 209 - Cable networks for television signals, sound signals and interactive services; CTE 210 – Electromagnetic and radio compatibility issues; CTE 215 – Electrotechnical aspects of telecommunications equipment.

At national level, of particular note is ANACOM's participation in the annual meeting of Sectorial Standardisation Bodies (SSB) promoted by the PIQ, which took place on 23

November 2022. Also worthy of mention is the contribution made by the SSB ANACOM under the ambit of World Standardisation Day, celebrated on 14 October.

At European level, ANACOM ensured its participation in the international plenary meetings of the technical commissions, specifically TC 210, TC 46, TC 106 and TC 209.

In 2022, ANACOM also continued to be represented:

- On the Technical Committee for Standardisation CT 163 (Security in Information Systems). In this context, the activity to be highlighted is the following:
 - Update of the Portuguese standard of ISO/IEC 27001;
 - Updates to 27701:2019 (Privacy); 27034:2018, parts 3 and 4 (application security); 27005:2022 (risk management, alignment with 30000); 27007:2020 (audit management systems); 27008:2019 (assessment of controls); 27013:2021 (link to the ITIL 27001+20000-1); and 27014:2020 (*ITU-T governance X.1054*);
 - Portuguese standard NP 27701 (translation of ISO/IEC 27701).
- On the Technical Committee for Standardisation - Sustainable Cities and Communities (CT224)⁴⁴ formally adopted by the Portuguese Quality Association (PQA) as a Sectorial Standardisation Body, under the ambit of the existing co-operation agreement between this entity and the Portuguese Quality Institute (PQI) in the domain standardisation and management systems.
- On the Technical Committee for Standardisation - Governance of Organisations (CT 213), coordinated by the PQA⁴⁵.

⁴⁴ <https://apq.pt/normalizacao/ct224-normalizacao/>.

⁴⁵ <https://apq.pt/normalizacao/ct213/>.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

COMPLAINTS

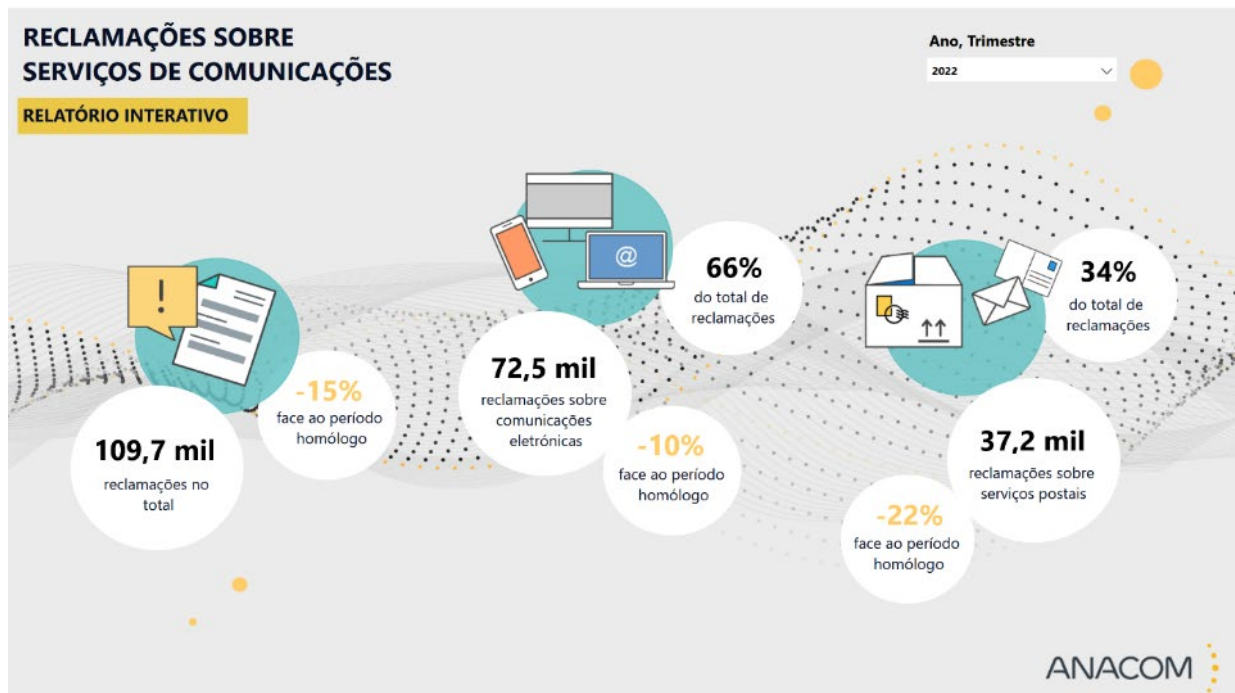
13. COMPLAINTS

In 2022, ANACOM launched a new reporting model for complaints in the communications sector. This is an interactive format, which provides information, in greater detail and dynamically, on which operators are most complained about, the main reasons for dissatisfaction, the geographical distribution of complaints and the most commonly used means of complaining, as well as trends over time.

These different indicators interact with each other, making it possible to view, for example, the geographic distribution of complaints about an operator, the trend in complaints in a given district and the most common reasons for complaints against a given operator over time.

In a few minutes, all available information can be explored, which is particularly useful for consumers, who, by doing so, learn more about the behaviour of the market operators, which, in turn, contributes towards decision making and furthers the solution of the main problems by the operators.

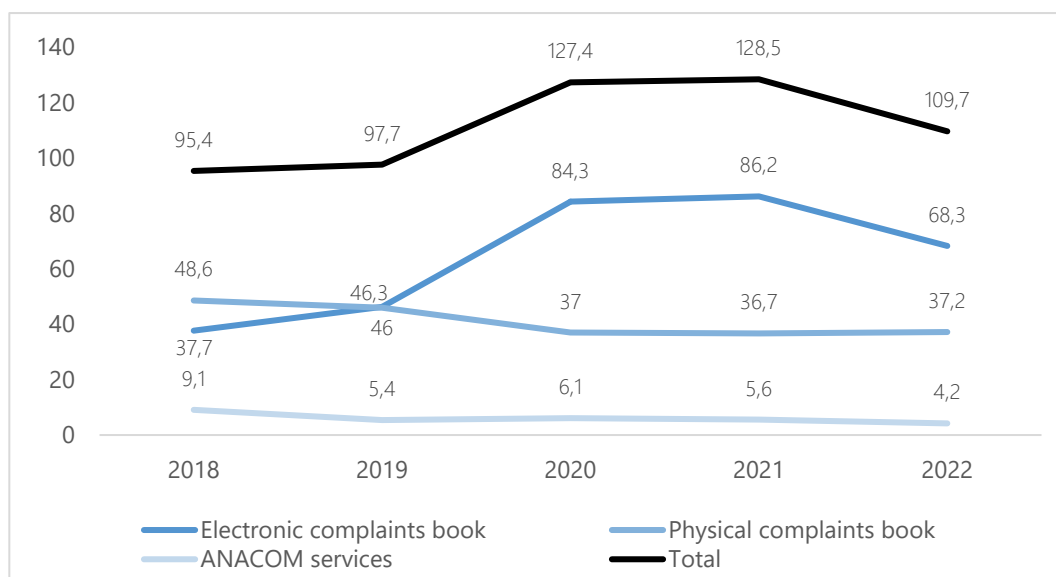
Figure 4 – Complaints about communications services



In this period, ANACOM registered around 109 700 written complaints against providers of communication services, almost 19 000 fewer complaints (-15%) than in 2021. Even so, the sector still maintains a much higher number of complaints than in the pre-pandemic period. Electronic communications were the most complained about, with 72 500 complaints (66% of total complaints), 10% fewer compared to 2021. Complaints about postal services dropped the most in this period, standing at 37 200 (34% of the total), down 22%.

The electronic complaints book remained the method most widely used by complainants (62%), but it lost ground to the physical complaints book, the use of which increased from 29% to 34% in 2022. ANACOM's customer service accounted for 4% of the complaints registered by the Authority.

Chart 13 - Complaints by channel, 2018-2022



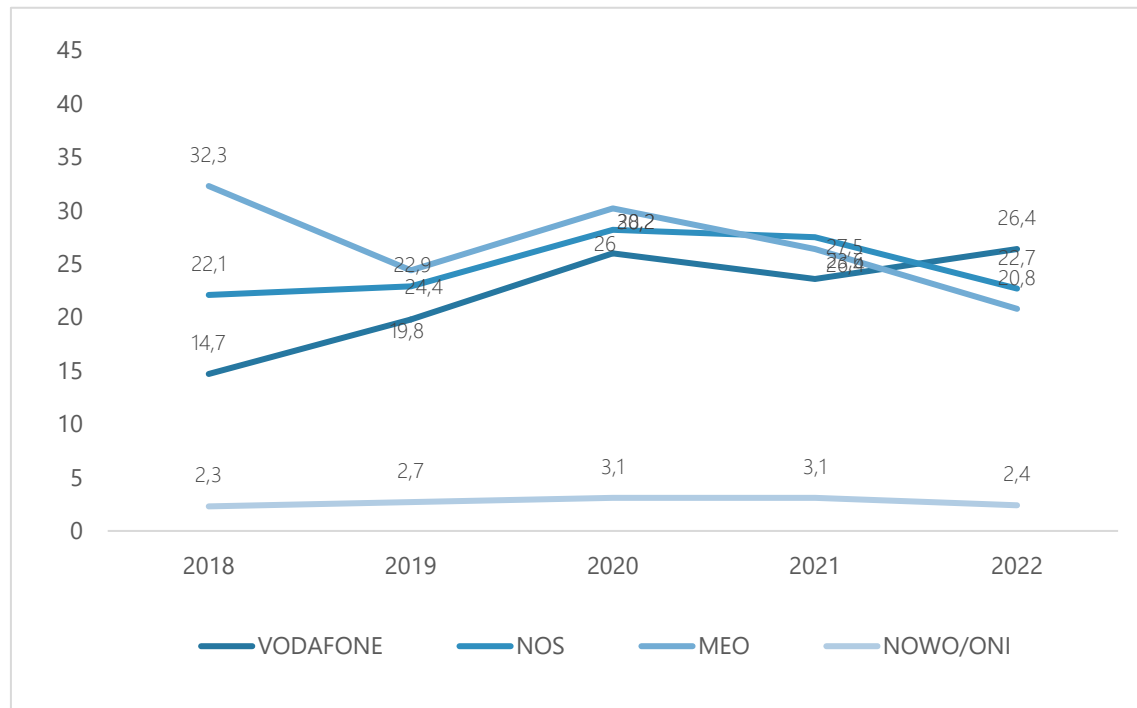
Unit: thousand complaints
Source: ANACOM

13.1. Electronic communications

VODAFONE was the provider that registered the most complaints in absolute terms (36%) and also the only one that saw an increase in the number of complaints compared to 2021 (+12%). NOS was the provider with the most complaints per thousand customers – 7.2 – and was the second most complained about service provider in 2022, with 31% of the sector’s total complaints, followed by MEO, with 29%, and NOWO, with 3%. MEO had the lowest complaint rate, with 3.7 complaints per thousand customers. With the exception of

VODAFONE, all larger service providers saw a decrease in complaints compared to 2021. MEO was the provider that registered the biggest decrease (-21%), followed by NOWO (-20%) and NOS (-17%).

Chart 14 - Complaints by electronic communications service provider, 2018-2022

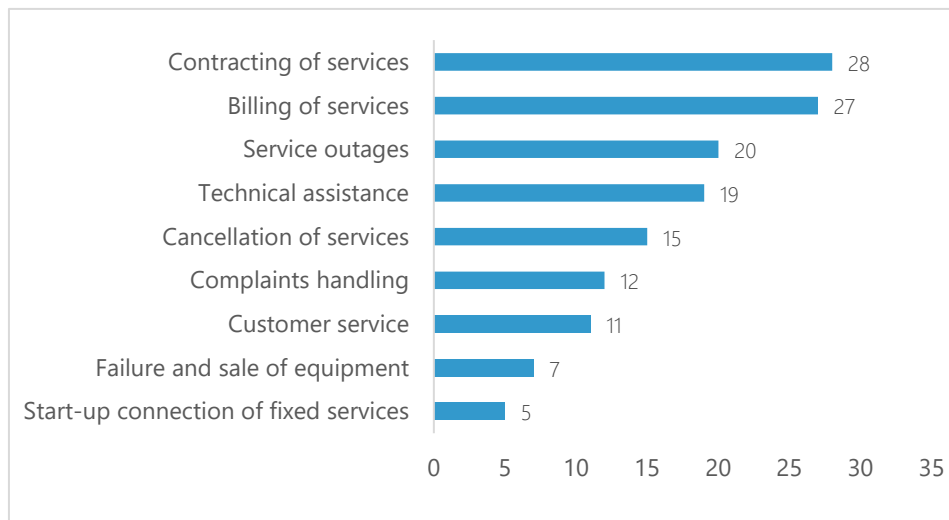


Unit: thousand complaints

Source: ANACOM

The subset of reasons for complaints related to the contracting of services accounted for 20 000 complaints in 2022, around 28% of the total number of complaints related to electronic communications, and was the only one to increase in the period, in which overall complaints decreased. The main complaints registered reflect the contracting of services lacking transparency. These mainly consisted of complaints about the activation of services without consent, which was also the reason for the biggest rise in complaints against NOS and MEO, and complaints of a lack of an option to bar the automatic activation of mobile data packages, which was the reason for complaint that showed the second highest increase in the period under review, in the sector, and against VODAFONE. Moving in the opposite direction, complaints about the delay or non-resolution of complaints in the sector and in relation to all the main service providers decreased, standing below the values found in the pre-pandemic period.

Chart 15 - Issues most complained about in electronic communications, 2022

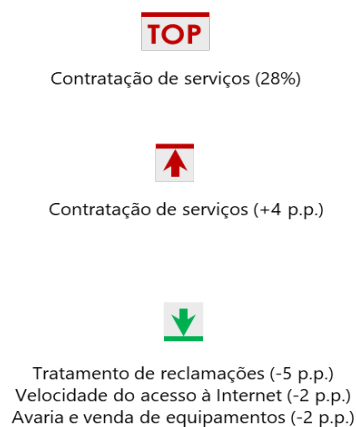


Unit: %

Source: ANACOM

Note: (i) Reasons for complaints representing 5% or more of the total complaints for the sector are presented; (ii) The total may be greater than 100%.

Figure 5 - Key issues in electronic communications

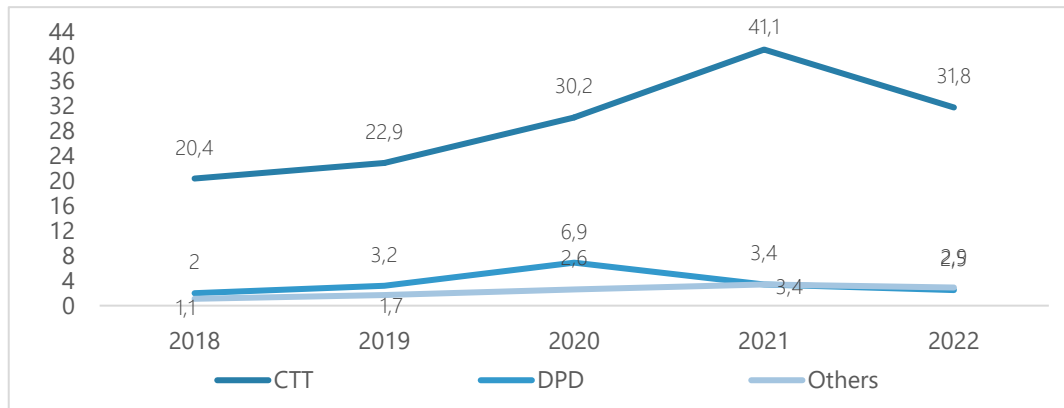


13.2. Postal services

CTT was responsible for the overwhelming majority of complaints in the postal sector, around 86%, but registered a decrease of 23% compared to 2021. In all, the provider registered 31 800 of the 37 200 complaints about postal services, 9 300 fewer complaints than in 2021. DPD registered the biggest decrease in this period, down 27%, standing at 2 500 complaints. The subset of other providers with the fewest complaints (UPS, General

Logistics, DHL, CEP, TNT, among others) represents a total of 8% of the complaints registered by ANACOM.

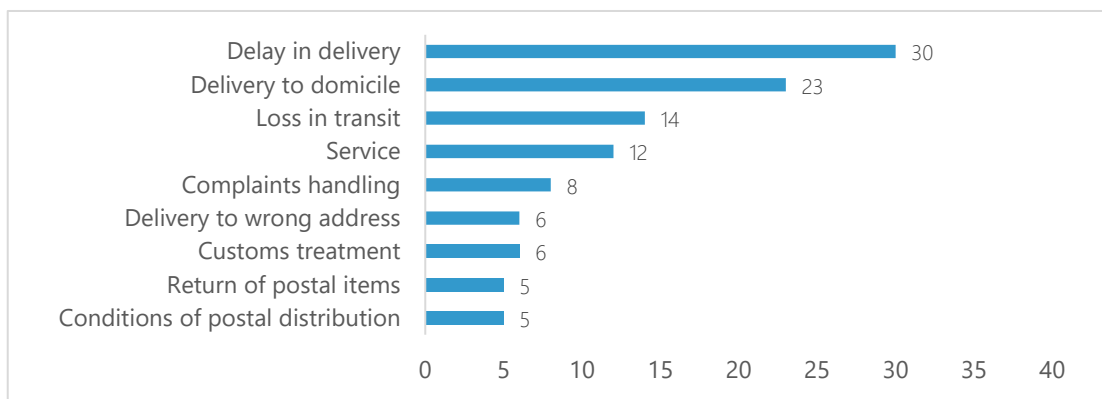
Chart 16 - Complaints by postal service provider, 2018-2022



Unit: thousand complaints
 Source: ANACOM

Delays in the delivery of postal items was the issue most complained about, accounting for 30% of complaints about postal services, and also that which saw the largest increase in complaints in the period, followed by the loss of postal items. Complaints about complaints handling, customs clearance of postal items and home delivery all fell.

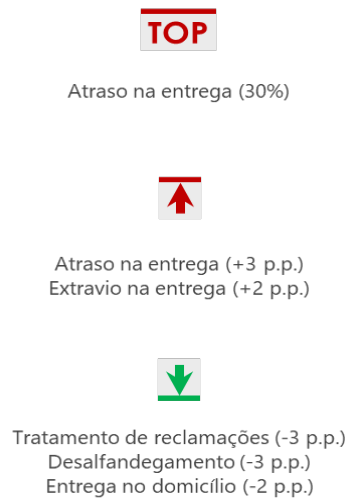
Chart 17 - Issues most complained about in postal services, 2022



Unit: %
 Source: ANACOM

Note: (i) Reasons for complaints representing 5% or more of the total complaints for the sector are presented; (ii) The total may be greater than 100%.

Figure 6 - Issues highlighted in postal services



13.3. Complaints about the SIT

Of the complaints submitted about the SIT, the following aspects are highlighted by the complainants:

- Doubts about the requirements and conditions applicable to subscribing to the SIT;
- Lack of provision of information by service providers on the conditions and requirements for accessing the SIT;
- Lack of SIT offers from providers, in the period between January and February 2022, despite the fact that it had already been approved in law;
- Dissatisfaction with the charging of fees for cancelling a current contract with an ongoing customer retention period, when subscribing to the SIT;
- Delay in assessing compliance with SIT access requirements;
- Dissatisfaction with the existence of activation costs or the availability of SIT access equipment;
- Difficulties subscribing for users included on the debtors' ledger, due to the requirement to provide collateral;

- Dissatisfaction with the ceiling covered by the SIT, as they consider it insufficient for the necessary use.
- Dissatisfaction resulting from the rejection of an application to access the SIT, without justification of the reasons for rejection.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

SUPERVISION AND CONTROL

14. SUPERVISION AND CONTROL

14.1. Electronic communications – fulfilment of obligations

- **Contractual rules and verification of unfair commercial practices**

Under the ambit of supervision of matters related to consumer protection, control particularly focused on verifying compliance (i) with the obligations regarding the conclusion of contracts for publicly available electronic communications services, as established in the ECL, (ii) admissible procedures regarding the termination of contracts for the provision of electronic communications services, on the initiative of subscribers, delimited by ANACOM determination of 9 March 2012, (iii) rules applicable to unfair commercial practices by companies in relations with consumers, as defined in [Decree-Law 57/2008, of 26 March](#) and (iv) rules relating to the suspension and cancellation of electronic communications services due to non-payment of the amounts contained in the invoice, as provided for in the ECL.

A total of 83 inspections were carried out on the main providers of electronic communications services operating in the market, with various irregularities being found to exist, namely:

- The implementation of contractual amendments without the customer having signed a contractual proposal or confirmed consent to the provider;
- The implementation of contractual amendments under conditions other than those agreed by telephone with the customer;
- The binding of customers to contractual amendments agreed by third parties who were not party to the contract or who held powers of representation for the purpose;
- The provision of information to the customer regarding the existence of a customer retention period, without the provider having the customer's agreement in relation to the commercial proposal that originated that customer retention period;

- The provision of information to the customer on the charging of a penalty in the event of early termination of the contract, in the absence of an ongoing customer retention period.

All the irregular situations detected as a result of these inspections were analysed in relation to potential sanctioning procedures.

- **Open Internet**

With regard to the supervision and control activities that ANACOM has been carrying out in the context of the open Internet, the monitoring of the commercial practices adopted by providers of Internet access services (OISP) stands out, namely zero-rating and similar practices.

In this regard, it should be noted that ANACOM sought to assess offers with zero-rating characteristics in the light of the CJEU judgments on this matter, in particular those published in September 2021, also bearing in mind the 2020 judgments. Furthermore, ANACOM closely monitored the work of the BEREC concerning the adaptation of the open Internet guidelines to the content of the said judgments.

On 8 November 2022, ANACOM approved a [draft decision on zero-rating and similar offers in Portugal in the context of the open Internet](#), already subject to a final decision in the meantime (in March 2023), determining the cessation of zero-rating and similar offers that discriminate, on commercial grounds, between traffic relating to zero-rated applications and other traffic. This determination aims to guarantee the fair treatment of all traffic, in order to safeguard the rights of end-users, namely the right of access to information and content, as well as the dissemination or use of applications and services of their choice, through their Internet access service.

Said termination must take place within 20 working days of the date of the final decision, in the case of offers available for new subscriptions, and 90 working days of the date of the final decision, in the case of contracts currently in execution, without prejudice to end-users of zero-rating and similar offers whose contracts provide for a customer retention period that is still in progress being able, if they so wish, to keep said offers under the conditions in force until the end of that period, in the meantime subject to a final decision ([in March 2023](#)) which determined the aforementioned cessation of zero-rating and similar offers.

Within the scope of changes to be carried out by the OISP, the Authority highlighted the importance of safeguarding the rights and interests of users, minimising any impacts resulting from the change process. ANACOM recommended making available greater volumes of data for general Internet access, at least equivalent to the total volume of data that users have available with zero-rating and similar offers, without increasing prices.

Also noteworthy, within the scope of the supervision and control actions carried out, was the process of analysing the most representative OISP contracts in the market, as well as the process of monitoring the information published, by the smallest OISP in the market, on transmission speeds. Following that found in previous years in relation to the larger OISP, in 2022, ANACOM continued to monitor the obligations relating to guaranteeing open Internet access in terms of transparency, in particular with regard to information on the various transmission speeds (download and upload) on fixed and mobile networks available on the websites of the smaller OISP, with a greater focus on the new OISP.

Specifically, this monitoring has been carried out based on the gathering of information from the OISP, consultation of the respective websites and subsequent interaction with the providers concerned, when necessary, it having been found that several providers have made adaptations to their websites.

In addition, ANACOM started collaborating with several entities, involving the main OISP and the DGC, with a view to evolving the NET.mede measurement system, in particular the accreditation of the results obtained by users in tests performed using the NET.mede app.

ANACOM also sought to monitor, from the standpoint of the open Internet, the application by the OISP of EU sanctions against Russia related to the blocking of certain content, sending requests for information to the OISP for this purpose.

Finally, it is also worth mentioning the approval of the annual report on the application of Articles 3 and 4 of the TSM Regulation for the period between 1 May 2021 and 30 April 2022, which was published on its website on [30 June 2022](#).

- **International roaming**

The new Roaming Regulation ([Regulation \(EU\) 2022/612, of the European Parliament and of the Council, of 6 April 2022](#)), which came into force on 1 July 2022, continues to provide that the price of roaming communications (voice calls, SMS messages and data) between

EU countries cannot exceed the tariffs paid for national communications (roam like at home regime – RLAH).

However, the possibility remains for operators to implement a responsible use policy (RUP) for these roaming communications – the detailed rules for which are laid down in [Commission Regulation \(EU\) 2016/2286, of 15 December 2016](#) – in order to avoid situations of abusive or anomalous use of the roaming service, among others. Thus, if customers violate the limits or rules of this RUP, the price of their roaming communications may be increased by certain maximum surcharges, and there may also be limits on the use of data in roaming in the EU that are lower than those applicable within national territory.

In addition to extending the RLAH regime for another ten years, this Regulation reduces the value of maximum wholesale tariffs to ensure that the provision of roaming services is sustainable for operators throughout the EU, and introduces new measures to ensure that consumers benefit from access to roaming services of the same quality as they enjoy in their home countries.

New rules are now added to the standards, which already existed to promote transparency, to improve information to users about possible inadvertent charges that may result, in particular from the use of value-added services under roaming and the use of non-terrestrial public mobile networks, such as, for example, on aircraft and on marine vessels. Consumers will also be entitled to free and improved access to emergency communications.

Under the ambit of supervising the application of the rules applicable to international roaming in the European Economic Area (EEA)⁴⁶, in 2022 data collection activities were maintained by mobile operators and the reporting of this data, in aggregate terms, to BEREC, now on an annual basis, with a view to contributing towards the preparation of reports on international roaming produced by this body in relation to:

- i. The aggregate trend in domestic retail mobile service traffic, retail and wholesale roaming communications traffic (voice, SMS and data), domestic retail mobile service revenues and retail and wholesale revenues from the aforementioned roaming communications. The collection of this information also covered information regarding the use of M2M in international roaming.

⁴⁶ EU countries and Iceland, Norway and Liechtenstein.

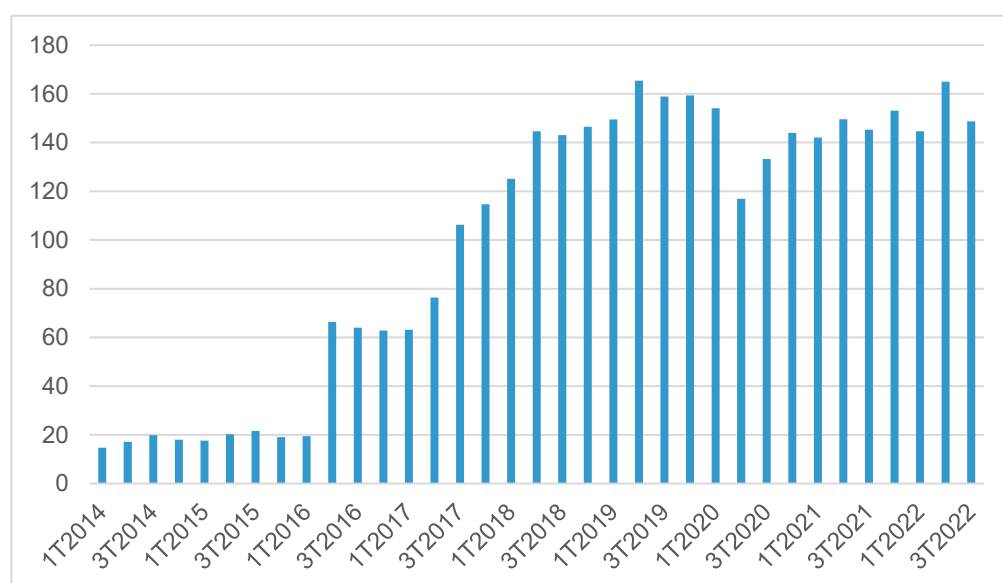
- ii. Retail and wholesale information regarding use of non-terrestrial public mobile networks under roaming.
- iii. Retail and wholesale information under the ambit of roaming communications carried out in the Balkan region (optional information reporting).
- iv. The transparency and comparability of tariffs for these communications.

With the changes to the roaming rules introduced on 30 April 2016, since then, it has no longer been possible to analyse trends in average retail prices applicable to roaming between EEA countries.

In accordance with instructions from the EC, the individual responses of the mobile operators – MNO and MVNO – to the questionnaires on international roaming determined by the BEREC were also uploaded to the Communication & Information Resource Centre Administrator (CIRCA) platform, with the proper assurances from ANACOM and the EC that the confidentiality of the data would be ensured.

Below, the changes in the characteristics of the aggregated traffic of national mobile operators between the 1st quarter of 2014 and the 3rd quarter of 2022 is presented for the various types of intra-EEA roaming communications.

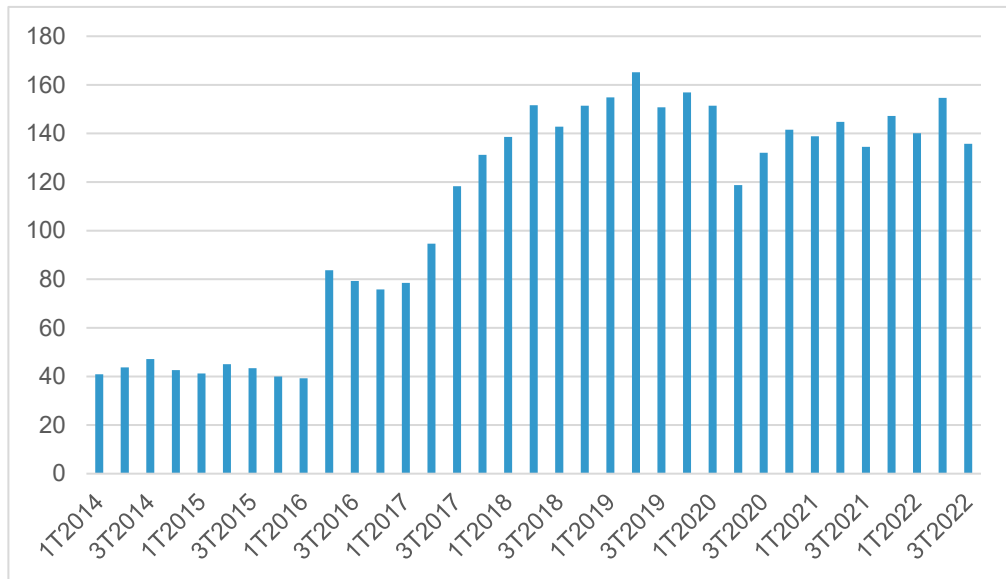
Chart 18 - Intra-EEA roaming traffic - outgoing calls



Unit: Number of calls.

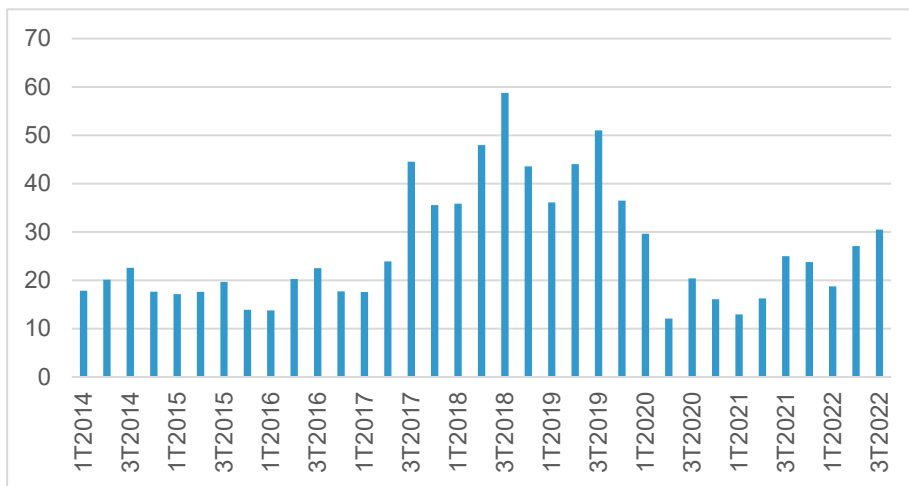
Source: ANACOM.

Chart 19 - Intra-EEA roaming traffic – incoming calls



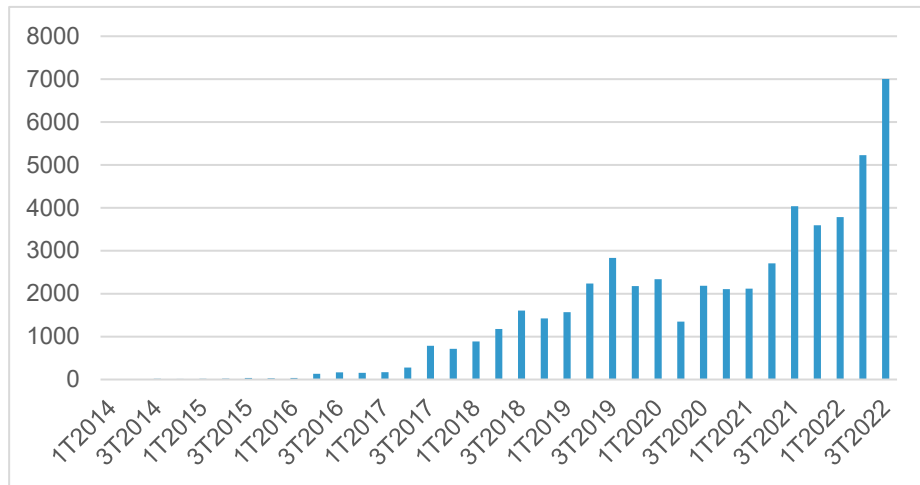
Unit: Number of calls.
 Source: ANACOM.

Chart 20 - Intra-EEA roaming traffic – SMS



Unit: Number of calls.
 Source: ANACOM.

Chart 21 - Intra-EEA roaming traffic – data



Unit: Number of calls.
 Source: ANACOM.

Under the ambit of the activity carried out under the BEREC, ANACOM collected and analysed the information reported by operators to verify, at wholesale level, the average tariffs recorded and compliance with the maximum values defined in the Roaming Regulation, considering that, in 2022, the maximum limits for wholesale rates were as follows:

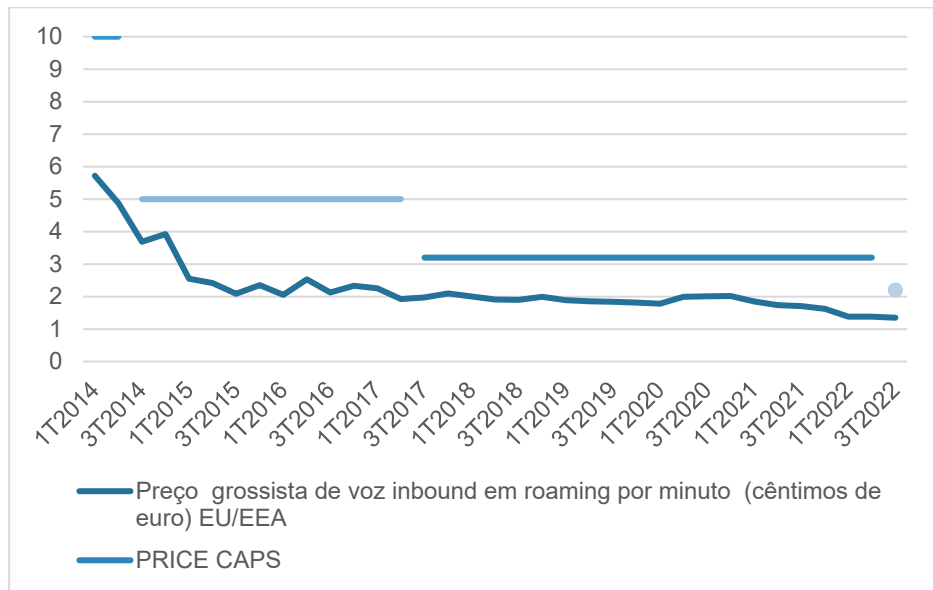
- From 1 January to 30 June 2022:
 - 0.032 euros per minute for voice calls;
 - 0.01 euros per call, for SMS;
 - 3 euros per GB, for data.
- From 1 July to 31 December 2022:
 - 0.022 euros per minute for voice calls;
 - 0.004 euros per call, for SMS;
 - 2 euros per GB, for data.

The following charts show the trend, between the 1st quarter of 2022 and the 3rd quarter of 2022, in fixed maximum prices (price cap) and average wholesale prices (voice, SMS and

data in MB) for roaming communications (aggregated data calculated based on the revenues and traffic of the different mobile operators operating in Portugal).

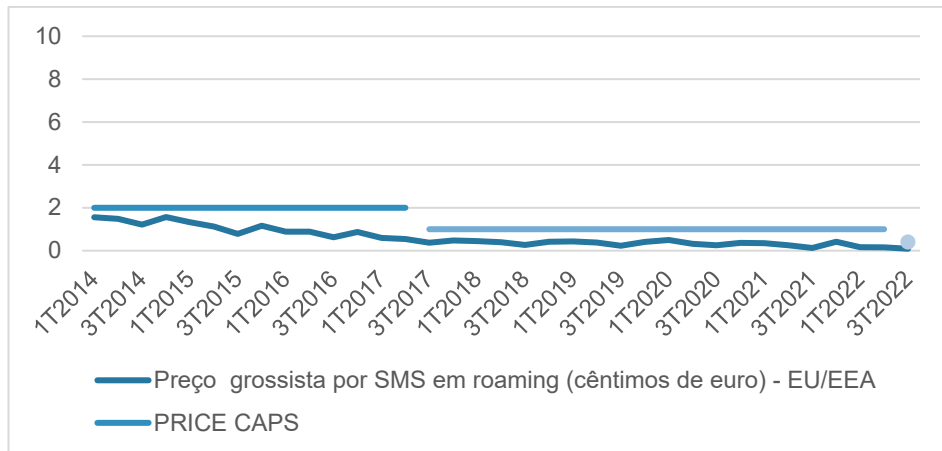
As can be seen, the trend in unit wholesale prices for the various services continues to decline, accompanying the decline in regulated maximum prices.

Chart 22 - Wholesale price of roaming inbound voice calls, per minute



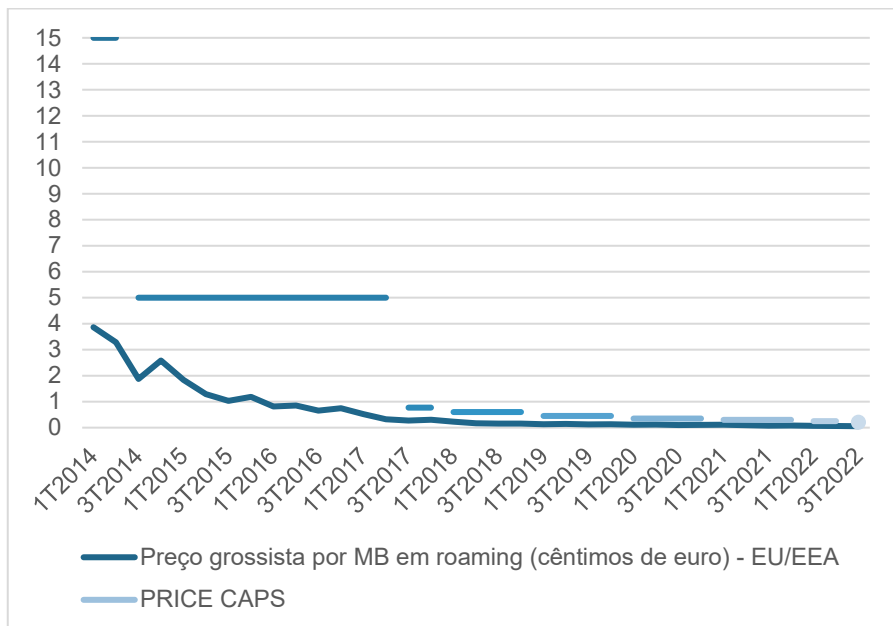
Unit: euros
Source: ANACOM

Chart 23 - Wholesale price of roaming SMS services



Unit: euros
 Source: ANACOM

Chart 24 - Wholesale price of roaming data services per MB



Unit: euros
 Source: ANACOM

In 2022, ANACOM continued the supervisory action initiated in 2021, under the ambit of the verification of compliance with the RLAH rules by an MNO, forwarding the process for analysis as part of a sanctioning procedure (not without first notifying the operator that it should resume compliance with said rules). On 11 July 2022, after inquiries made on the company's website, no situations of inconsistency related to this non-compliance were detected.

Following the detection⁴⁷ of signs of non-compliant practice by an MNO, within the scope of various pre-paid tariffs, namely, with Article 6-A of the Roaming Regulation, in 2021, roaming tests were carried out. In view of the evidence of infringement collected, at the beginning of 2022, ANACOM adopted measures with the provider to correct the non-conformities identified.

- **Intra-EEA International Communications**

Under Article 1 of Regulation (EU) 2015/2120 of the European Parliament and of the Council, of 27 November 2015, as amended by [Regulation \(EU\) 2018/1971 of the European Parliament and of the Council of 11 December 2018](#), common rules are laid down to ensure that consumers are not charged excessive prices for interpersonal communications based on numbers originating in the Member State of the consumer's national provider and terminating on a fixed or mobile number in another Member State.

Thus, the retail price (excluding VAT) charged to consumers for regulated intra-EU communications cannot exceed 0.19 euros per minute for calls, and 0.06 euros for each message (SMS). These rules are also applicable, subject to transposition, in each of the other countries of the EEA.

Furthermore, in accordance with Article 5-A(6), the national regulatory authorities (NRA) monitor the development of the market and the prices of regulated intra-EU communications and submit a report to the EC.

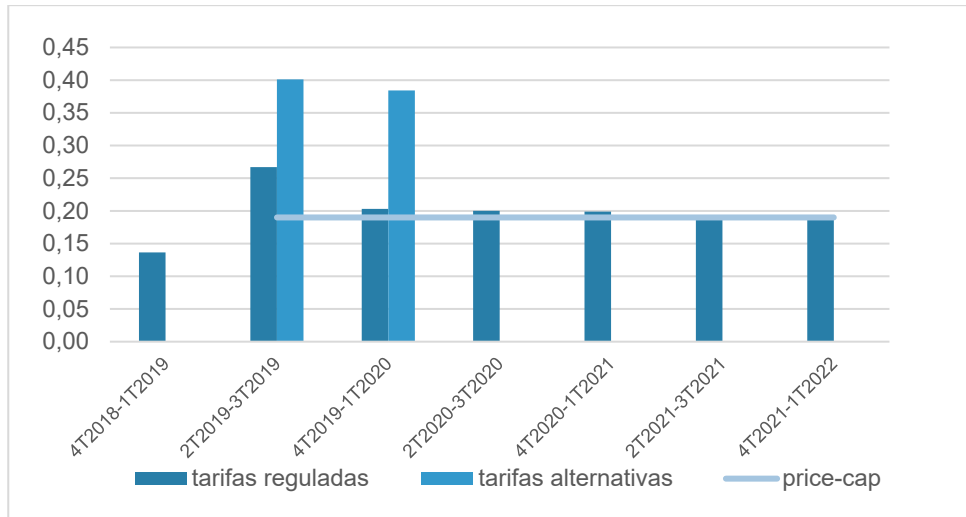
In 2022, under the ambit of supervising the application of the rules applicable to intra-EEA communications, the data collection activities of mobile operators and fixed operators were maintained. With safeguards to ensure data confidentiality, these data were reported, in aggregate terms, to the BEREC, with a view to contributing towards the preparation of the report on intra-EEA communications produced by that body. The collected data refer to the period between 1 April 2021 and 31 March 2022. The BEREC report on this matter was published in October 2022 on its website.

Next, the trends, for regulated tariffs and for alternative tariffs, of the average prices of international communications originating in the fixed networks of the national operators for the EEA countries is presented, these values referring only to the tariffs charged per unit of

⁴⁷ In particular on the website.

consumption (i.e., tariffs charged under the ambit of offers that do not include bundles of minutes or, in the case of offers that include this type of bundle, tariffs charged outside those bundles):

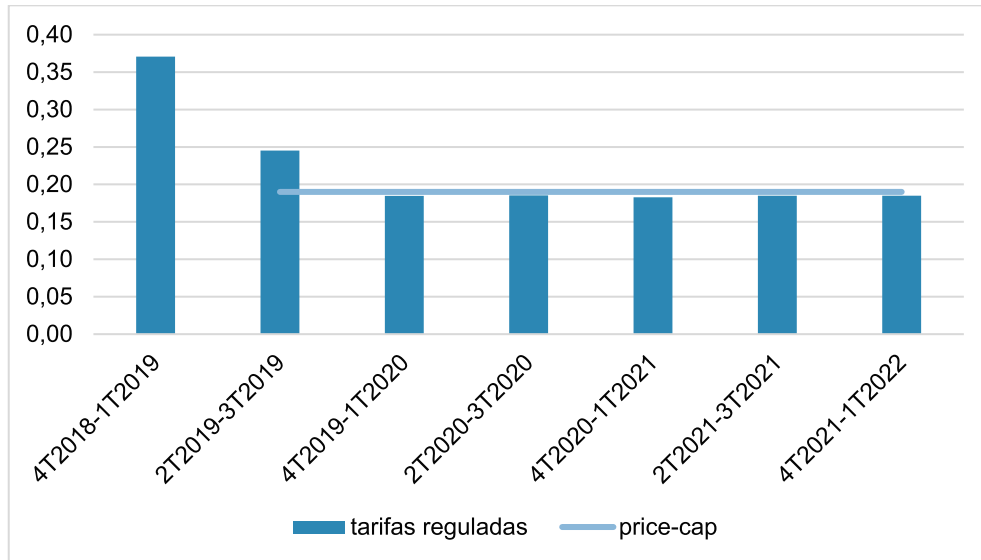
Chart 25 - Average price in euros per minute of communications to EEA countries (fixed network origin)



It should be noted that the average aggregate price of the regulated tariff in the last 2 semesters under analysis complies with the price cap (0.19 euros) defined in the Regulation.

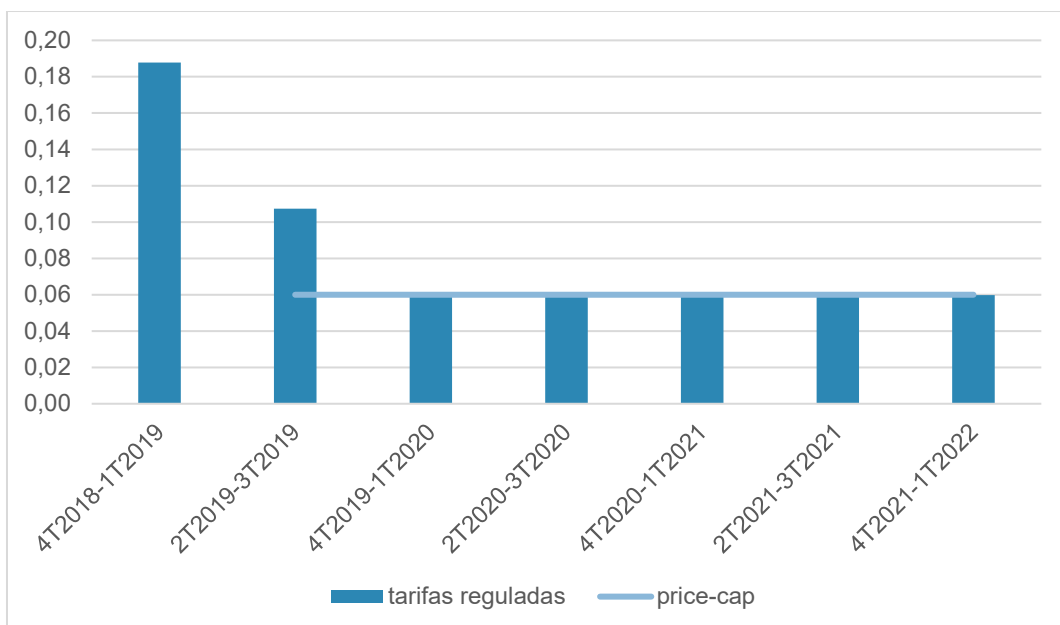
The following charts show the trend in average prices for international communications originating on the mobile networks of national operators for the EEA countries; it should be noted that no alternative tariffs were reported for this type of communication. The values of these prices refer only to the tariffs charged per unit of consumption, i.e., they refer to the tariffs charged under the ambit of offers that do not include bundles of minutes or, in the case of offers that include this type of bundle, they represent only the tariffs charged outside those bundles.

Chart 26 - Average price in euros per minute of communications to EEA countries (mobile network origin)



It should be noted that the average aggregate price of the regulated tariff under analysis complies with the price cap (0.19 euros) defined in the Regulation.

Chart 27 - Average price in euros per SMS for communications to EEA countries (mobile network origin)



It should be noted that the average aggregate price of the regulated tariff under analysis complies with the price cap (0.06 euros) defined in the Regulation.

- **Portability – tariff transparency**

Information was collected through the “half-yearly portability questionnaire”, to monitor the trend in portability and the prices associated with this operation and to verify compliance among companies providing electronic communications services with certain duties to inform end-users set out in the Portability Regulation.

As part of the monitoring of the duties to inform end-users, information was obtained on portability prices, as well as on the procedures used by mobile telephone service (MTS) providers to activate/deactivate online portability advertising and on toll-free numbers for accessing the call price information service and other communications to ported numbers. This information has been updated on the pages where it is published on the [ANACOM website](#).

- **Quality of the fixed telephone service (FTS)**

In 2022, companies with FTS offers aimed at the residential segment and standardised⁴⁸ FTS offers aimed at the non-residential segment continued to send ANACOM information, under the ambit of the Regulation on Quality of Service⁴⁹ (RQS), on the annual performance targets they established, as well as on the quarterly performance levels actually achieved by them.

Also, in the context of the obligations applicable to these companies, the annual performance targets in terms of quality of service proposed and the annual performance levels recorded in the previous year are disclosed on the respective websites each year.

In 2022, the providers complied with the duties both to disclose to end-users and to report to ANACOM information on quality of service as required in the RQS.

The annual information on quality of service calculated by companies, at the end of 2022, was released by ANACOM [on its website](#).

⁴⁸ Offers under which the conditions of the service provided are not contracted on a customer-by-customer basis, but rather are defined *a priori* by a standard contract and obey a criterion of uniformity for the subset of customers that subscribe to such contracts.

⁴⁹ Regulation 46/2005, of 14 June, with the wording given to it by the Regulation 372/2009, of 28 August.

In general terms, it was concluded that the levels of service quality determined are in line with the performance objectives defined by the providers for 2022.

However, there were some situations in which this did not happen, as a result of which the analysis will continue in 2023.

A summary of the annual information sent by the companies, for the year 2022, is presented in the following tables:

Table 15 - Fixed Telephone Service Offers for the residential segment

	MEO		NOS		NOS Açores		NOS Madeira		NOWO		Vodafone	
	Performance level	Target	Performance level	Target	Performance level	Target	Performance level	Target	Performance level	Target	Performance level	Target
Time frame for providing a start-up connection (calendar days) ^[1]	4	14	16	15	4	10	11	15	14	16	14	15
Connection requests satisfied by the date agreed with the customer	98%	95%	97%	95%	100%	95%	99%	96%	99%	95%	93%	95%
Number of faults per access line	0.110	0.150	0.015	0.050	0.075	0.150	0.054	0.100	0.021	0.050	0.009	0.048
Fault repair time (consecutive hours) ^[1]	84 h	165 h	140 h	140 h	78 h	120 h	5 h	15 h	96 h	110 h	347 h	200 h

Source: Information sent to ANACOM by FTS providers

[1] Value corresponding to the 95th percentile of the fastest installations/repairs.

Table 16 - Standard Fixed Telephone Service offers aimed at the non-residential segment

	MEO		NOS		NOS Açores		NOS Madeira		NOWO		Vodafone	
	Performance level	Target	Performance level	Target	Performance level	Target	Performance level	Target	Performance level	Target	Performance level	Target
Time frame for providing a start-up connection (calendar days) ^[1]	4	15	15	15	4	10	10	15	12	14	34	18
Connection requests satisfied by the date agreed with the customer	99%	92%	96%	95%	100%	95%	100%	96%	99%	95%	85%	90%
Number of faults per access line	0.100	0.120	0.011	0.050	0.115	0.071	0.115	0.200	0.036	0.050	0.0052	0.045
Fault repair time (consecutive hours) ^[1]	101 h	155 h	122 h	140 h	25 h	60 h	4 h	15 h	72 h	110 h	413 h	200 h

Source: Information sent to ANACOM by FTS providers

[1] Value corresponding to the 95th percentile of the fastest installations/repairs.

14.2. Coverage obligations

- **Rights of use of frequencies (RUF) of mobile service operators**

In order to enable ANACOM to monitor compliance with the different coverage obligations associated with the RUF, assigned prior to the multi-band auction, MEO, NOS and VODAFONE sent the following information to this Authority in 2022:

- Information, relative to the end of 2021, for monitoring of compliance with coverage obligations in the provision of voice and data services up to 9,600 bps in the 900 MHz and 1800 MHz bands.
- Information, relative to the end of 2021, for monitoring of compliance with coverage obligations in the provision of data services in the 2100 MHz band (which include, among others, the coverage obligations of 588 parishes considered potentially lacking mobile broadband coverage⁵⁰).

⁵⁰ In each of the 196 parishes potentially lacking mobile broadband coverage that each of the three operators must cover, at least 75% of the population must be provided with a mobile broadband service that allows a data transmission speed of 30 Mbps (maximum download speed).

According to the information reported by the providers, said coverage obligations were assured at the end of 2021.

- **Mobile Broadband (MBB)**

Following the allocation of RUF by the Regulation of the multi-band auction and under the ambit of the renewal of the RUF allocated in the 2100 MHz band, the operators MEO, NOS and VODAFONE were subject to coverage obligations in 1 068 parishes (356 parishes per operator), identified as tending to lack mobile broadband coverage (abbreviated as MBB480 and MBB588 coverage obligations).

The obligations imposed consist of the provision, by the operator with obligations in the parish, of a MBB service that covers, at least, the seat of the parish council, in the case of the MBB480 parishes, or 75% of the population, in the case of the MBB588 parishes. In the MBB480 parishes, according to the latest review and setting of reference speeds, this MBB service must allow data download rates equal to or greater than 43.2 Mbps, 21 Mbps or 43.2 Mbps, respectively for MEO, NOS or Vodafone. In the MBB588 parishes, this MBB service must allow download data rates equal to or greater than 30 Mbps, for any operator.

During 2022, verifications of these obligations were carried out in 135 parishes in Continental Portugal. Priority was given to parishes subject to complaints by users or the local authorities.

The results obtained allowed us to conclude the following:

- As of 31 December, the operators fulfilled MBB obligations in 134 parishes, and in one parish the necessary steps had not yet been completed;
- In the MBB588 parishes, MBB services were available, with download data rates equal to or greater than 30 Mbps, to 93.6% of the population (18.6 percentage points above the minimum threshold imposed by the obligations);
- On average, download data speeds registered in the MBB480 parishes, reached values of 84 Mbps (2.5 times the minimum threshold imposed by the obligations).

14.3. Cost sharing programme with complementary DTT equipment

ANACOM continued to monitor the implementation of the cost sharing programme for Complementary DTT (DTH) equipment, to which MEO is bound, which is in force until the end of the RUF DTT (9 December 2023). It is noted that, in total, the value of the co-payment programme provided for in the MEO bid that won the tender amounts to 16.8 million euros.

This programme aims to match the costs of migrating to digital television for people residing in areas with terrestrial coverage to those for people residing in areas with coverage via complementary means (satellite).

The monitoring of this programme is based on information on its implementation, which MEO is obliged to send periodically to ANACOM.

The following tables provide summary information regarding this programme, there being a notable increase in the amount spent in 2022, of 34 028 euros, covering a further 45 beneficiaries under the *a posteriori* co-payment and a further 574 beneficiaries under the *a priori* co-payment. To the end of 2022, the total amount reimbursed represents around 23% of the total amount of the reimbursement programme foreseen in MEO's proposal.

Table 17 - Amount spent by MEO with the co-payment programme (estimate) - annual cumulative total

Programme to pay for Complementary DTT equipment - Amount spent (cumulative total since the beginning of the programme)										
To 31-12-2012	To 31-12-2013	To 31-12-2014	To 31-12-2015	To 31-12-2016	To 31-12-2017	To 31-12-2018	To 31-12-2019	To 31-12-2020	To 31-12-2021	To 31-12-2022
2 196 523	2 748 793	3 091 715	3 303 951	3 463 780	3 593 124	3 701 130	3 783 850	3 843 117	3 890 540	3 924 568

Unit: euros.

Source: ANACOM.

Table 18 - Number of beneficiaries of the co-payment programme - annual cumulative total

Complementary DTT equipment co-payment programme - Number of beneficiaries (cumulative total since the beginning of the programme)											
	To 31-12-2012	To 31-12-2013	To 31-12-2014	To 31-12-2015	To 31-12-2016	To 31-12-2017	To 31-12-2018	To 31-12-2019	To 31-12-2020	To 31-12-2021	To 31-12-2022
<i>A posteriori</i> co-payment ^[1]	10 472	12 513	13 467	13 958	14 222	14 406	14 576	14 679	14 779	14 857	14 902

A priori co-payment ^[2]	20 362	26 996	31 451	34 373	36 707	38 648	40 268	41 604	42 548	43 331	43 905
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Source: ANACOM.

[1] This means that the customer paid for the Complementary DTT kit, with subsequent reimbursement of the co-payment amount as established in the terms of the co-payment programme.

[2] This means that the Complementary DTT kit was sold at a shared cost, being delivered to the customer at a MEO store (with or without prior order) or by post.

14.4. Postal services – fulfilment of obligations

- **Universal service**

With regard to the universal postal sector, and in line with widespread concern over delays in the delivery of postal items to consumers' homes, 22 supervisory review processes were carried out at various CTT postal distribution centres (PDC) with the aim of verifying the functioning of the postal distribution operation carried out by those centres.

The facts established during the review processes carried out revealed the existence of deficiencies in the postal distribution carried out by some of the inspected PDC, in particular in terms of the regularity and reliability of the services provided, adversely affecting the interests of the users covered by these PDC.

Specifically, there were significant delays in the forwarding of priority and standard mail, thus compromising compliance with the quality of service parameters and the performance objectives associated with the provision of the universal service.

An inspection was also carried out at CTT to supervise the methodology and procedures followed by the concessionaire in separating postal items for the purposes of calculating traffic. During this review process, the accuracy of the statistical indicators reported by the provider to ANACOM was verified, in particular those concerning total postal traffic and universal service traffic, the latter being eligible for use in the calculation of the maximum variation in the prices of the universal service basket.

- **Postal services**

Inspections were also carried out on the activities of eight entities registered with ANACOM as providers of postal services to determine whether their activities were in compliance with the corresponding licence issued by this Authority. In these actions, the complaint mechanisms used by the companies were also supervised, as well as the statistical

indicators reported to ANACOM. From the results of these actions, no non-compliance with applicable legislation was found.

- **Parcel delivery service**

[Regulation \(EU\) 2018/644 of the European Parliament and of the Council, of 18 April 2018](#), imposed on parcel delivery service providers a series of obligations to provide information to this Authority, with the aim of promoting better cross-border parcel delivery services.

These obligations are, in principle, imposed on parcel delivery service providers, that, alternatively:

- Are established in more than one Member State; or
- Being only established in Portugal, had, during the previous calendar year, on average, 50 or more employees involved in the provision of parcel delivery services in Portugal, without considering, for this purpose, persons who work for its subcontractors.

Therefore, any company that finds itself in one of the two situations mentioned above must comply with the duties to provide information provided for in this Regulation, specifically:

- a) The obligation to declare its identification and contact information, together with a description of the characteristics and general conditions of its services, as well as, henceforward, to report any changes to this information within a period of 30 days;
- b) The duty to provide information annually, by 30 June of each calendar year;
- c) Only in the case of intra-EU cross-border service providers, an annual obligation to submit, by 31 January of each calendar year, a public list of tariffs applicable as of 1 January of that year for the items considered in the annex to the Regulation.

With regard to the first two obligations [as referred to in subdivisions a) and b) above], the EC approved the respective forms through [Commission Implementing Regulation \(EU\) 2018/1263, of 20 September 2018](#).

With regard to the public list of tariffs [as referred to in subdivision c) above], the EC has developed a web-based platform for use by service providers, to which the NRAs and the EC also have access in order to perform their duties.

In 2022, the companies that were subject to the aforementioned obligations:

- Submitted to ANACOM, on the said platform, their public list of tariffs applicable as of 1 January 2022 in relation to the items considered in the annex to the Regulation. ANACOM verified the data reported by the operators, requesting the necessary corrections and clarifications and, after validation, submitted that information to the EC within the established time frame.
- They forwarded to ANACOM the annual information defined in annex II of the Implementing Regulation. ANACOM verified the data reported by the operators, requesting the necessary corrections and clarifications.

14.5. Infrastructure

- **ITED and ITUR**

With regard to verifying compliance with the regime applicable to telecommunications infrastructure in buildings (ITED) and in housing developments, urban settlements and building complexes (ITUR), in 2022, 393 processes were carried out.

Given the background of the pandemic, face-to-face processes were only resumed in the second half, with the obligations of contracting entities, designers, installers and service providers being verified. As a result of all these inspection actions, infringements were detected in 22% of the infrastructure.

At the same time, ANACOM carried out supervisory measures in city council processes for granting permits for the construction and use of buildings or units thereof, inasmuch as these processes must be filed with a disclaimer for the execution of the ITED, essential for subsequent connection to the public electronic communications network.

After analysing 586 municipal processes, several signs of non-compliance were detected and, consequently, 114 inspection procedures were opened.

Following questions raised by agents in this sector, 186 responses were prepared to requests for information on various matters, which in many cases involved technical and/or legal analyses of the issues raised, as well as on-site checks.

- **Suitable infrastructure**

In 2022, the supervisory review process initiated in 2021 continued, under the ambit of the legal arrangements regarding the construction of infrastructure suitable for hosting electronic communications networks and the installation of electronic communications networks.

Supervisory review processes were carried out on the Suitable Infrastructure Information System (SIIS), which included 16 audit reviews on the completeness and reliability of the information entered in the SIIS, 10 processes involving municipalities and 6 involving communications operators, with the entities being notified to proceed with the correction of the nonconformities detected in order to promote a significant and qualitative increase in terms of items registered. Awareness actions were also initiated with 18 entities regarding the need to become accredited on the SIIS platform.

In the second half of the year, on-the-spot inspections began, with visits being made to 83 infrastructure projects in order to verify that they were duly registered on the SIIS. It was found that 56 infrastructures had been duly registered or had been entered on the SIIS platform upon request from ANACOM, with 27 situations still pending resolution.

14.6. Electronic communications equipment market

Under the ambit of the obligations arising from the European directives applicable to the placing and making available on the market of electronic communications equipment, and to verify requirements relating to consumer protection, 242 models of equipment were inspected, with 406 units being seized, specifically for a lack of CE marking, a lack of instruction manuals in Portuguese and the absence of an EU declaration of conformity.

In relation to many of these inspected items of equipment, following the inspection actions, corrective measures were applied by the economic operators in charge (distributors, importers and manufacturers) allowing them to be made available again accordingly.

In order to verify compliance of the equipment with essential requirements regarding electromagnetic compatibility, effective use of the radio spectrum, safety and health protection, laboratory tests were carried out and an analysis of the respective technical documentation, with the detection of 130 non-compliant items of equipment.

Some supervisory review processes (around 17%) were carried out on digital platforms, with an agreement having been established with one of the owners of a distribution and direct-to-consumer sales platform to allow for faster detection and removal of advertisements for non-compliant equipment.

ANACOM expanded its scope of action in the Inter-institutional Operational Groups (IOG) of Faro and Leiria, having participated in three joint inspections of radio equipment, namely with the Food and Economic Security Authority (FESA).

As an NRA, ANACOM participated, together with the French, Greek, Slovenian and Swiss NRAs, in two European market surveillance campaigns to verify the conformity of radio equipment capable of connecting to the Internet (home appliances with Wi-Fi). The results of these campaigns will only be known in 2023.

ANACOM participated, with the AT and other entities with supervisory powers, in dissemination initiatives aimed at large distributors, namely promoted by an association in the sector, the Portuguese Association of Distribution Undertakings (APED).

It also participated in the preparation of the National Market Surveillance Strategy Plan, under the ambit of Regulation (EU) 2019/1020 of the European Parliament and of the Council, of 20 June 2019, for the three-year period 2022-2025, to be presented to the EC by several national market surveillance entities, such as: ASAE, National Medicines and Health Products Authority (Infarmed), Public Security Police (PSP) and Institute for Mobility and Transport (IMT).

14.7. Security regulation

- **Communication duties**

[Regulation 303/2019, of 1 April](#), on the security and integrity of electronic communications networks and services, establishes obligations regarding the security and integrity of networks and services to be complied with by companies that provide public communications networks or publicly available electronic communications services, which include, specifically, sending ANACOM the following information:

- The security policy adopted under the terms of Article 18(1)(a);

- The person in charge of security and, if applicable, the respective deputy (see Article 18(1)(b) and (2));
- The permanent contact point (see Article 18(1)(c) and (3));
- The annual safety report, pursuant to Article 19, as well as, if applicable, the updated version of the asset inventory, as provided for in Article 9(4)(b);
- If applicable, the initial version of the asset inventory, as provided for in Article 9(4)(a).

Within the scope of supervising compliance with these obligations, notices were sent to companies that started operating, alerting them to comply with these obligations.

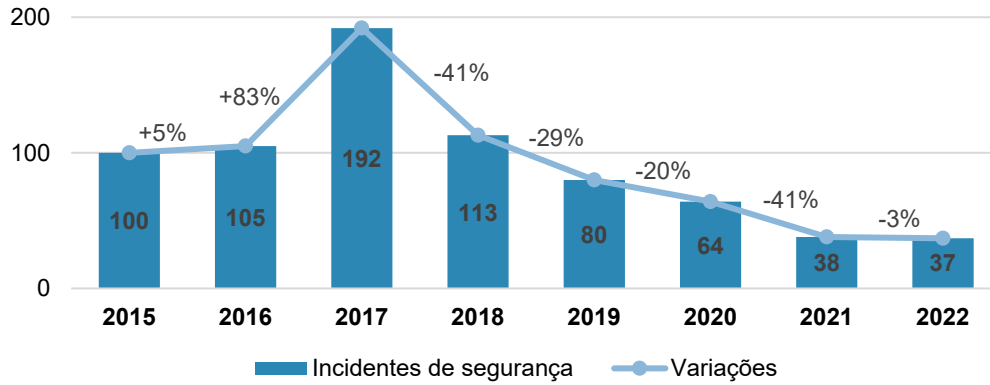
Regarding the obligation to send ANACOM an annual safety report, notifications were sent to all 106 companies in operation.

As a result of these actions, whenever evidence of non-compliance appeared, the respective processes were sent for sanctioning proceedings.

- **Reporting notifications of security breaches or loss of integrity**

As can be seen in the following chart, in 2022, ANACOM's Notifications Reporting Centre (NRC) received 37 notifications of security incidents, a figure very close to that recorded in 2021, maintaining the downward trend in the number of security notifications. In total, during the period from 2015 to 2022, companies notified 729 security incidents, as stated in the [Annual Report on Security Violations or Loss of Integrity - 2022](#), available on the ANACOM website.

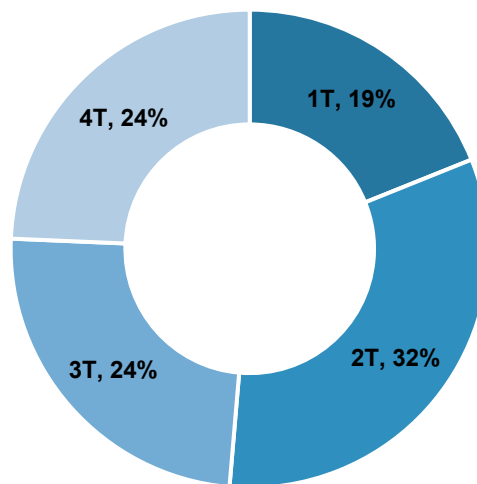
Chart 28 - Annual volume of security incidents reported, 2015-2022



Unit: Number of security incidents
 Source: ANACOM

From an analysis of the following chart, it can be seen that, over the course of 2022, the distribution of the number of security incidents with significant impact was almost uniform.

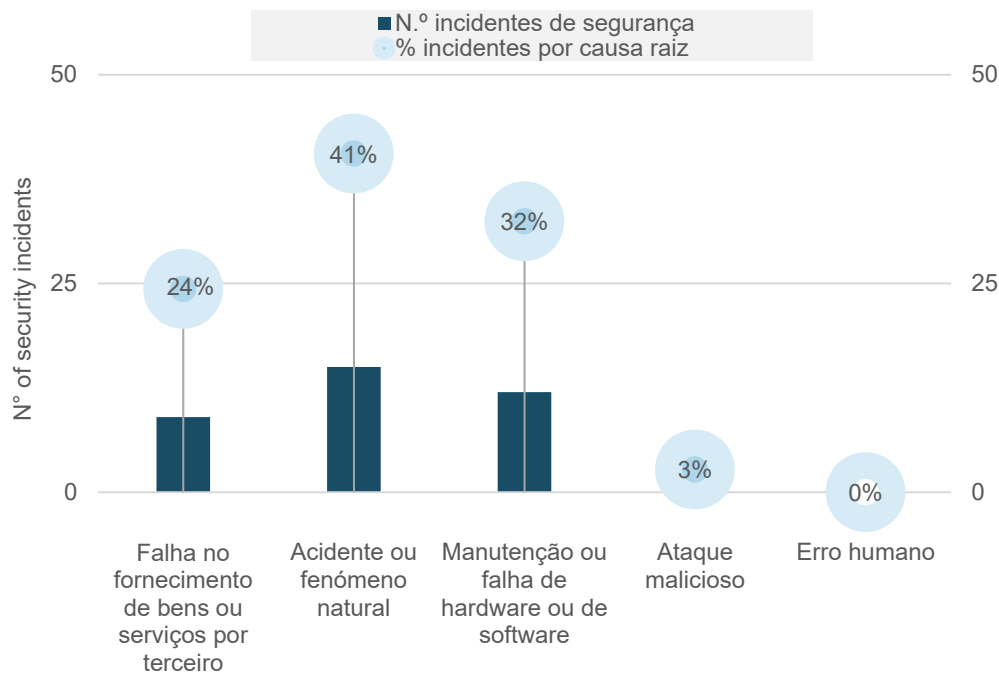
Chart 29 - Percentage of security incidents received, in 2022, by quarter



Unit: % of security incidents
 Source: ANACOM

The chart below details the security incidents that occurred in 2022 for each root cause, in numbers and in percentage terms.

Chart 30 - Security incidents received for different categories of root causes, in 2022



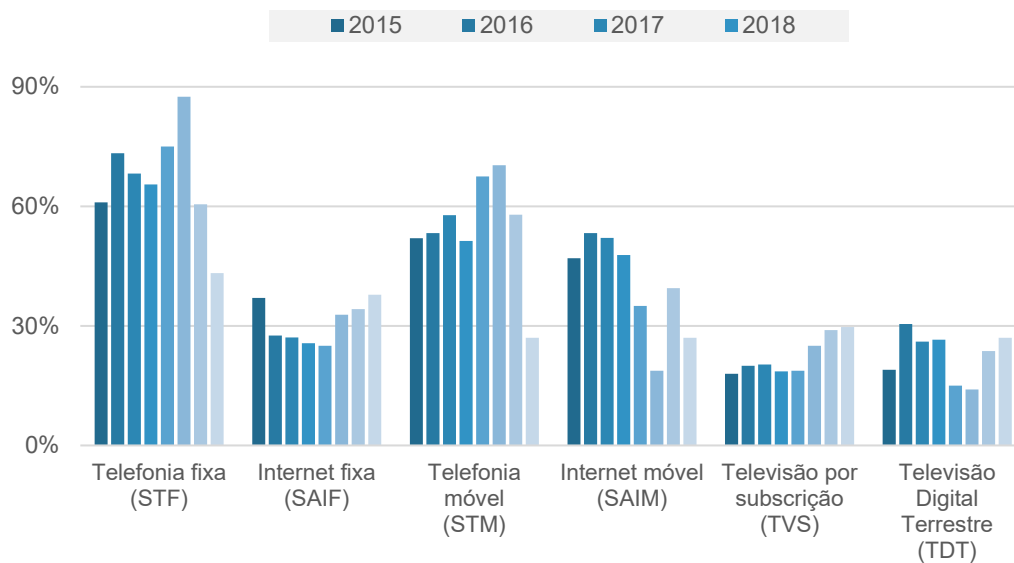
Unit: Number of security incidents and percentage of total incidents (%)
 Source: ANACOM

Most of the incidents were due to accidents or natural phenomena resulting, in particular, from severe weather conditions and wildfires with an impact on communications infrastructure. Also noteworthy are the root causes “failure in the supply of goods or services by third parties” and “hardware or software maintenance or failure”, which account for more than half of all reported security incidents. A large proportion of these incidents originated from failures in the supply of electricity or malfunctions in systems/equipment.

The occurrence of a malicious attack on the network of one of the main providers of electronic communications services in Portugal, which had a huge impact on its networks and services at national level, is of particular note. Its services could only be fully recovered after several hours.

It is also important to analyse the impact of the security incidents, over the last few years, in terms of the services and subscribers/accesses affected, an aspect that is detailed in the chart below.

Chart 31 - Percentage of security incidents reported for each type of service, 2015-2022



Unit: % of security incidents

Source: ANACOM

Note: most security incidents impact more than one service (which is why the percentages in the chart add up to more than 100%).

Most notifications impacted two or more publicly available electronic communications services. The FTS continues to be the most affected service overall, although, compared to 2021, there was a reduction from 61% to 43%.

- **Network and service security audits**

With regard to the obligations to carry out security audits on networks and services by companies that offer public communications networks or publicly available electronic communications services and that support their offers on at least one asset classifiable under class A, in 2022, ANACOM received three audit proposals submitted under the aforementioned Regulation 303/2019, of 1 April.

For the purpose of accepting the audit proposals presented, in addition to asking the companies and the respective auditors for the necessary clarifications and/or missing information, ANACOM determined, where necessary, the remedying of existing shortcomings.

Additionally, ten audit reports were received and analysed and, in some cases, clarifications and/or the remedying of shortcomings were requested for the purposes of a decision to accept by ANACOM.

Lastly, and following the results obtained in the audit, nine companies presented their respective plans for correcting the non-conformities found, having subsequently been notified of the dates on which they should communicate to ANACOM the effective implementation of the corrective measures contained in those plans, which they also fulfilled.

14.8. Wildfires (site surveys)

Wildfires are among the most frequent natural disasters in Portugal, affecting large areas of the territory and constituting an acknowledged risk to the infrastructures of electronic communications networks, specifically the aerial routes of communications cables and mobile network radiocommunications stations.

In 2022, the critical period for the occurrence of wildfires ran from 1 July to 30 September (period established by Article 2 of Law 76/2017, of 17 August).

In the course of regular supervisory review processes by ANACOM, in July 2022, several site surveys were carried out in Continental Portugal and in the Autonomous Region of Madeira, specifically on the island of Madeira. These processes aimed to identify situations of increased risk and greater vulnerability to potential wildfires (due to the proximity of communication infrastructures to dense vegetation and the accumulation of combustible organic matter), to raise awareness of the adoption of measures to correct the situations identified, as well as others that might be in a similar situation, and reduce the risk of impact of potential wildfires on the infrastructure that supports the networks and services.

Carrying out on-the-spot verifications once again proved important to better understand the conditions under which the communications infrastructure is installed in a rural setting with a high fire risk.

The aerial routes of communication cables supported on wooden poles continue to be probably the most vulnerable infrastructure in the event of fires, however, no significant improvements in maintenance/cleaning have been observed since the actions carried out by ANACOM on the ground in previous years.

14.9. Spectrum supervision

- **Supervision activity**

Spectrum supervision activity is carried out on a daily basis at ANACOM. It is ensured 24 hours a day and aims to guarantee the effective and efficient use of the radio spectrum, preventing misuse and solving problems, in particular those resulting from harmful interference to the correct functioning of the services used by society.

In 2022, ANACOM carried out a total of 3 180 preventive supervisory review processes, 2 774 remotely from its supervision centres, and 406 in the field, in conjunction with operators and their networks and radiocommunications stations.

ANACOM's participation in various events of national and international scale that took place in Portugal should be highlighted, namely the MOTOGP at the Algarve International Racetrack, the *Robotic Experimentation and Prototyping with Maritime Unmanned Systems* (REPMUS), important military trials held on the Troia peninsula, the *European Rocketry Challenge* (EuRoC-22), and various music festivals.

In addition to this preventive activity, in a reactive component, 1 174 external requests were analysed and responded to in relation to the radio spectrum, covering various topics, namely non-ionising radiation and its impact on health, national search and rescue resources that may see their activity temporarily impacted, problems in air and sea traffic means of communication, broadcasting, interference in the networks of operators of terrestrial electronic communications services (TECS), and collaboration with official national and international bodies.

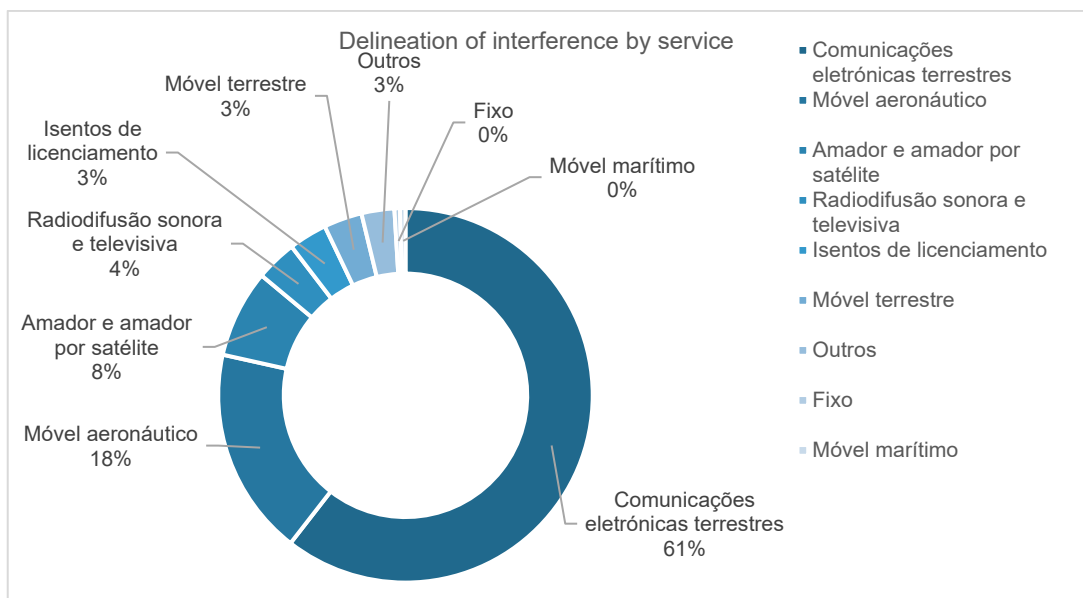
The following table presents detailed information on the reactive activity carried out by ANACOM in terms of the radio spectrum, during 2022.

Table 19 - Reactive spectrum supervision activities, in 2022

REACTIVE ACTION 1 174	CARRIED OUT REMOTELY (Supervisory Centres) 330 (28%)	International co-operation 286 (24%)
	CARRIED OUT IN THE FIELD (Operational Teams) 844 (72%)	Collaboration with other entities 44 (4%)
		Interference resolution 423 (36%)
		Resulting from the Supervision Plans 229 (20%)
		Evaluations of electromagnetic fields 92 (8%)
		Surveys of radiocommunications networks and stations 54 (5%)
		Quality of experience (QoE) studies on mobile networks 46 (4%)

The following chart shows the distribution of reactive action by type of radiocommunications service in 2022.

Chart 32 - Distribution of reactive action by type of radiocommunications service



Of the 423 situations of interference that ANACOM was asked to resolve, 256 were related to complaints from TECS operators, NOS, MEO and VODAFONE. In these cases, ANACOM's action seeks to guarantee the best conditions for spectrum use, allowing operators to provide users with adequate levels of quality of service.

ANACOM's intervention also had the mission of identifying, analysing and eliminating the causes associated with 76 interferences reported by users of the aeronautical mobile service, thus contributing towards the efficient operation and safety of aeronautical activity.

With regard to reactive activity carried out from its supervisory centres, of particular note are the 286 international co-operation processes conducted with similar entities and 44 processes relating to national bodies.

It should also be noted that ANACOM received, by the end of 2022 and in cumulative terms, 92 requests for the assessment of non-ionising radiation. An analysis of the results reveals that, in general terms, the reference levels of power density established in [Ordinance 1421/2004, of 23 November](#) are complied with.

Remodelling of the Spectrum Monitoring and Control Centres

On 23 March 2022, the new spectrum monitoring and control centre was inaugurated in Funchal, Madeira. This is important and significant refurbishment work, which includes an advanced display system, via a video wall, as well as a meeting room with advanced connectivity capabilities, with views of the monitoring centre to support the decision-making process.

Improvements have also been made to employees' working conditions, in terms of lighting and ergonomics, through new working positions.

In addition to the aforementioned works, and in the context of the indicated refurbishments, the Madeira delegation building now has an internal elevator, essential for the mobility of its employees, in particular the vertical movement of loads and equipment.

This official opening was the culmination of a complex and demanding project carried out during the COVID-19 pandemic.

14.10. Amendment to the Regulation on the provision of statistical information

In 2022, under the terms and for the purposes set out in Article 98(1) of the CAP, the Management Board of ANACOM, by decision of 23 August 2022, decided to initiate, on 25 August, the procedure amending [Regulation 255/2017, of 16 May](#), on the provision of statistical information (hereinafter "Regulation 255/2017").

The purpose of this procedure was to amend the aforementioned Regulation 255/2017, which defines the form, type, degree of detail, deadlines and frequency for sending information which, under the terms and for the purposes set out in Article 108 and in Article 109(b) and (f) of the ECL, is regularly requested by ANACOM from entities that provide services and operate electronic communications networks.

Regulation 255/2017, applicable to service providers and operators of electronic communications networks, aims to define a set of information for the purpose of monitoring the various markets and electronic communications services, to fulfil the obligations of providers, and to define relevant markets and assess significant market power (SMP) and comply with ANACOM's remaining duties.

The revision process of this regulation took into account the development dynamics of the electronic communications sector, the market and available technologies since the entry into force of Regulation 255/2017, and in order to adapt the information collected to current needs, including the requests for information from national and international entities, and requests for information from other EU NRAs, to which ANACOM is obliged to respond.

Interested parties were consulted regarding Regulation 255/2017, with a public consultation on the draft Regulation scheduled for 2023.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

IMPOSITION OF SANCTIONS

15. IMPOSITION OF SANCTIONS

15.1. Administrative-offence proceedings

In 2022, ANACOM's sanctioning action paid special attention to new issues, namely non-compliance with obligations related to the social Internet tariff and communications security. This was carried out in addition to the most recurrent themes of ANACOM's action related to spectrum supervision (radiocommunications) activities, infrastructure (ITED-ITUR), and operators' obligations in placing equipment on the market, which aim to ensure that the means available to the sector and all its users and consumers are secure and available for use under secure conditions. The imposition of sanctions paid special attention to new issues, namely breaches of obligations related to the social tariff Internet and communications security. ANACOM's imposition of sanctions continued to focus on unfair commercial practices and other unlawful conduct that violates rules associated with consumer protection.

Fully electronic processing began in relation to administrative-offence proceedings opened after 14 November 2022. This is a major innovation in the handling of administrative-offence proceedings, and is taking its first steps in ANACOM's sanctioning activities.

In addition to the immediate gains resulting from the conversion of processes to electronic format, it is expected that the maturation of this procedure and the development of new functionalities will contribute, decisively, towards a more timely imposition of sanctions, essential to avoid the feelings of impunity normally associated with delays in delivering justice.

15.2. New proceedings

In 2022, 222 new proceedings were opened, based on news of infringements that ANACOM became aware of through official reports and submissions resulting from its supervision and inspection activities, reports from police authorities, information received from other public bodies, and complaints.

15.3. Initial analysis of infringements

During 2022, 486 cases were subject to initial analysis and 317 administrative-offence proceedings were initiated due to the existence of sufficient evidence of the commission of infractions.

Administrative-offence proceedings brought due to non-compliance with obligations relating to the ECL benefit from procedural consolidation, being almost always based on dozens, sometimes hundreds of complaints/processes analysed individually, in a first phase, in terms of supervision and/or inspection and, later, when facts are recorded that may constitute evidence of an infringement. This practice aims to guarantee the consistency and uniformity of the decision and, also, procedural economy.

Of the set of processes resulting from the breach of obligations provided for in the ECL, particular mention should be made of 5 proceedings brought for non-compliance with obligations relating to the right of consumers to itemised billing, 4 proceedings brought for non-compliance with the rules applicable to the selective barring of communications, 4 proceedings brought for non-compliance with the rules applicable to the unilateral amendment of contracts and the termination of contracts, and 14 proceedings brought for breach of obligations set out in the Regulation on the security and integrity of electronic communications networks and services (Regulation 303/2019, of 1 April).

Among the proceedings brought, the following deserve special mention:

- 15 proceedings in which non-compliance was alleged with the obligation to provide information to ANACOM, either involving providers of electronic communications services or providers of postal services;
- 68 proceedings brought for violation of the arrangements for the installation of telecommunications infrastructure in buildings;
- 120 proceedings brought for non-compliance with obligations set out under the arrangements for making available on the market, putting into service and using radio equipment, and rules applicable to the electromagnetic compatibility of equipment, 62 proceedings brought for non-compliance with rules applicable to radiocommunications networks and stations; and

- 14 proceedings brought for violation of the rules applicable to the social Internet tariff.

Under the ambit of consumer protection legislation, 5 proceedings were brought due to failure to comply with obligations established under the legal regime applicable to the provision of promotion, information and support services to consumers and users through call centres, 1 proceeding due to failure to comply with the obligations established under the legal regime of the complaints book (Decree-Law 156/2005, of 15 September) and 2 proceedings due to evidence of the adoption of unfair commercial practices.

15.4. Completed proceedings

In 2022, ANACOM concluded 453 proceedings that were open or already brought as administrative-offence proceedings (see detail of the substance of the decisions adopted in the table below), from which it follows that, in view of the number of new cases opened, there was a reduction in the backlog of 231 proceedings.

In 224 of these cases, sanctions were imposed on the respective defendants, with total fines amounting to 17,615,977.50 euros. Voluntary payments of fines were also made (after notification of the accusations to the defendants), in an overall amount of 127 883.33 euros.

Table 20 - Decisions in administrative-offence proceedings

Decisions in administrative offence proceedings			453
Notices of infringements that did not lead to the initiation of autonomous administrative-offence proceedings	169	Early dismissal	98
		Incorporation into pending proceedings, criminal reports and remittance to other entities	71
Decisions of proceedings instituted	284	Application of fine, ancillary penalty or declaration of loss of equipment	188
		Reprimand	36
		Acquittal/no action	42
		Consolidation in the decision, decisions in summary proceedings accepted and voluntary payments that put an end to the proceedings	18

Of the 224 sanctioning decisions handed down, 4 that resulted from the unilateral alteration of contracts, and which had an impact on around 11 million subscribers, are of particular

note. The final decisions adopted by ANACOM in this context resulted in the application of the following fines which, as a whole, amounted to around 15 million euros⁵¹:

- Fine of 6 677 833 euros imposed on MEO⁵²;
- Fine of 5 200 000 euros imposed on NOS⁵³;
- Fine of 3 082 000 euros imposed on VODAFONE⁵⁴;
- Fine of 664 000 imposed on NOWO⁵⁵.

Of the other sanctioning decisions handed down, the following stand out:

- Fine of 829 000 euros imposed on MEO, for non-compliance with various obligations applicable to the provision of the universal service of public payphones⁵⁶;
- Fine of 153 750 euros imposed on CTT for non-compliance with various obligations applicable to the provision of the universal postal service, relating, in particular, to the objectives of postal network density and minimum service offers and to the publication of information in postal establishments⁵⁷;
- Fine amounting to 48 500 euros imposed on NOWO, for committing administrative offences resulting from the violation of the obligation of pre-contractual information and obligations foreseen in the ANACOM decision of 9 March 2012, on the “Procedures required for the termination of contracts, on the initiative of subscribers,

⁵¹ The following notes mention the judicial decisions handed down up to 31 December 2021, following the filing of appeals for judicial review of ANACOM's decisions, also with mention of whether these decisions were subject to a further appeal, even if filed after 31 December 2021.

⁵² This decision was subject to a judicial challenge.

⁵³ This decision was subject to a judicial challenge.

⁵⁴ This decision was subject to a judicial challenge.

⁵⁵ This decision was subject to a judicial challenge.

⁵⁶ This decision was subject to a judicial challenge.

⁵⁷ The Competition, Regulation and Supervision Court (TCRS), by judgment of 17 November 2022, decided to sentence the defendant to a fine of 100,000 euros.

relating to the provision of public networks or publicly available electronic communications services”⁵⁸;

- Fine of 48 000 euros imposed on MEO, for adopting unfair commercial practices following the 2017 fires⁵⁹;
- Fine of 60 000 euros imposed on MEO, for adopting unfair commercial practices⁶⁰;
- Fine of 30,000 euros imposed on VODAFONE, for non-compliance with rules on call prices for the 760 numbering range⁶¹;
- Fine of 30 000 euros imposed on NOS, for non-compliance with obligations related to the complaints book, established under Decree-Law 156/2005, of 15 September⁶²;
- Imposition of fines for violations of obligations relating to the use and occupation of telecommunications infrastructure in buildings for the provision of electronic communications services, in which the following fines were applied:
 - Fines of 37 500 euros⁶³, 25 000 euros⁶⁴ and 45 000 euros⁶⁵ imposed on MEO;
 - Fines of 27 000 euros⁶⁶, 45 000 euros⁶⁷ and 80 500 euros⁶⁸ imposed on NOS;

⁵⁸ This decision was subject to a judicial challenge.

⁵⁹ The TCRS, by judgment dated 27 September 2022, decided to sentence the Appellant to a fine of 48 000 euros. The Lisbon Appeal Court (TRL), by judgment of 21 December 2022, partially upheld the appeal, reducing the amount of the fine imposed to 44 000 euros.

⁶⁰ The TCRS, by judgment made final and unappealable, sentenced MEO to a fine of 45 000 euros.

⁶¹ The TCRS, by judgment of 7 October 2022, made final and unappealable, partially upheld the appeal and imposed a fine of 12 500 euros.

⁶² This decision was subject to a judicial challenge.

⁶³ The TCRS, by judgment of 26 May 2022, sentenced MEO to a fine of 37 500 euros. The TRL, by judgment of 13 October 2022, confirmed the judgment of the TCRS.

⁶⁴ This decision was subject to a judicial challenge.

⁶⁵ This decision was subject to a judicial challenge.

⁶⁶ The TCRS, by judgment dated 21 April 2022, made final and unappealable, sentenced NOS to a fine of 21 500 euros.

⁶⁷ The TCRS, by judgment dated 4 July 2022, sentenced NOS to a fine of 30 000 euros. The TRL, by judgment of 5 December 2022, upheld the contested decision.

⁶⁸ This decision was challenged in court.

- Fine of 16 000 euros imposed on VODAFONE⁶⁹;
- Imposition of fines for non-compliance with the obligation to provide information to ANACOM, as provided for in the ECL:
 - Fine of 10 000 imposed on Lycamobile Limited⁷⁰;
 - Fine of 15 000 euros imposed on CTT⁷¹;
- Imposition of fines for non-compliance with various obligations set out in the regime for making available on the market, putting into service and using radio equipment:
 - Fine of 10 500 euros imposed on GIGASTAR⁷²;
 - Fine of 12 950 euros imposed on the CPCDI⁷³;
 - Fine of 22 700 euros imposed on NIPOSOM⁷⁴;
 - Fine of 24 850 euros imposed on Toys“R”Us⁷⁵;
 - Fine of 21 200 euros imposed on Niposom⁷⁶;
 - Fine of 56 825 euros imposed on Staples⁷⁷;
 - Fine of 19 500 euros imposed on SPDAD⁷⁸;

⁶⁹ This decision was not challenged.

⁷⁰ This decision was not challenged.

⁷¹ The TCRS, by judgment dated 16 December 2022, sentenced CTT to a fine of 10 000 euros.

⁷² The TCRS, by judgment dated 3 June 2022, made final and unappealable, sentenced GIGASTAR to a fine of 8 000 euros.

⁷³ The TCRS, by judgment dated 6 October 2022, sentenced the CPCDI to a fine of 12 950 euros, 8 650 euros of which was suspended for a period of 2 years under the condition that it sends information to ANACOM within 10 days of the sentence being made final and unappealable.

⁷⁴ This decision was not challenged.

⁷⁵ The TCRS, by judgment dated 16 December 2022, sentenced Toys“R”Us to a fine of 24 850 euros.

⁷⁶ This decision was not challenged.

⁷⁷ This decision was subject to a judicial challenge.

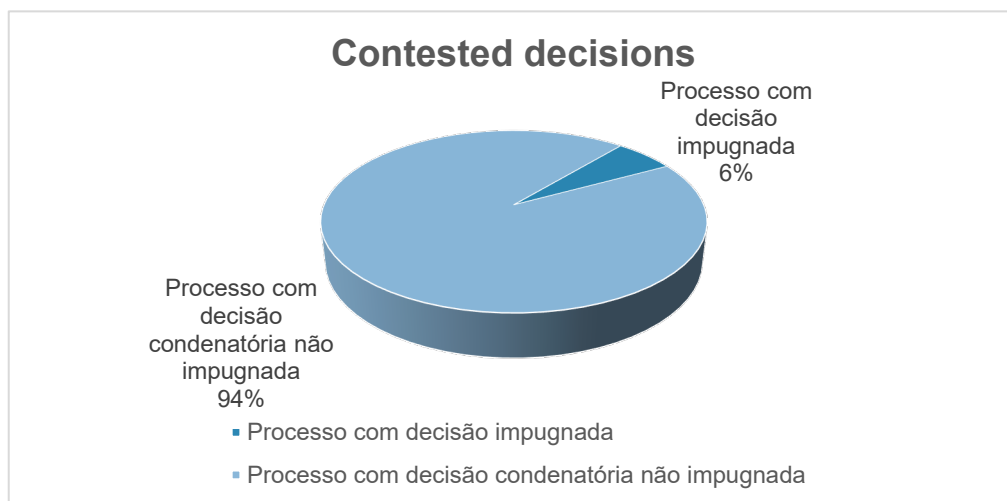
⁷⁸ This decision was subject to a judicial challenge.

- Fine of 12 600 euros imposed on AJ Aguiar⁷⁹;
- Fine of 19 300 euros applied to DATABOX⁸⁰;
- Fine of 74 250 euros imposed on Joinco⁸¹.

15.5. Judicial challenge of ANACOM decisions

In 2022, 16 ANACOM decisions were challenged in the courts.

Chart 33 - ANACOM decisions judicially challenged in 2022



15 appeals challenging ANACOM decisions (delivered in 2022 or in previous years) were decided (at first instance).

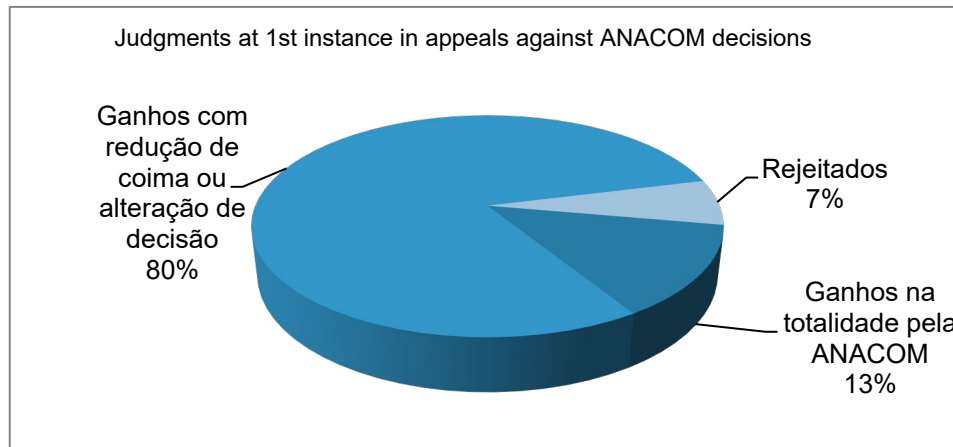
One of these appeals was rejected, 2 were decided entirely in favour of ANACOM and, in 12 of these appeals, the judgments of the Competition, Regulation and Supervision Court were partially favourable to this Authority.

⁷⁹ This decision was subject to a judicial challenge.

⁸⁰ This decision was not challenged.

⁸¹ This decision was subject to a judicial challenge.

Chart 34 – Judgments at 1st instance in appeals against ANACOM decisions, in 2022



15.6. Sanctioning administrative proceedings

In this connection, 2 administrative proceedings leading to the imposition of financial penalties provided for under contract, handled (and finalised) over the course of the year, should be noted.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

INTERNATIONAL ACTIVITY

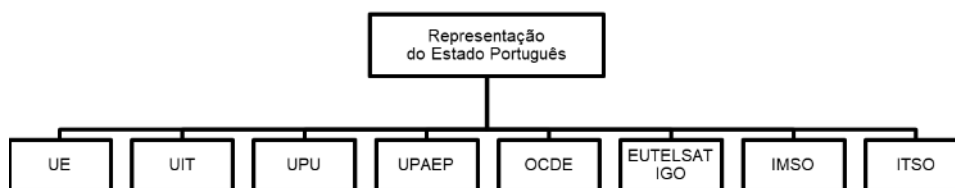
16. INTERNATIONAL ACTIVITY

ANACOM's international representation, exercised under the ambit of its duties and remit, is pursued in its own name and on behalf of the Portuguese State, and involves a wide range of international entities, bodies and organisations. Alongside its representation mission, ANACOM is also intensely active in international affairs in the context of advising the Government, specifically by issuing opinions and responding to requests on industry and horizontal matters having an impact on the sector.

16.1. Representation of the Portuguese State

ANACOM ensures the representation of the Portuguese State in a wide group of organisations (see figure below). In some cases, it does so in a dual capacity (institutional and technical representation).

Figure 7 - Representation of the Portuguese State



- **European Union (EU)**
 - **Transport, Telecommunications and Energy Council (TTE)**

ANACOM participated in the Telecommunications and Information Society Group (GT Telecom) and in the Postal Services Group, including representation at meetings, issuing opinions and presentation/negotiation of proposals. It also supported the Government in negotiations on the Committee of Permanent Representatives (COREPER) and in informal meetings of the TTE Council, which took place throughout 2022, specifically on the following matters:

- **Draft Regulation on the European digital identity (eID):** This draft was published by the EC on 3 June 2021, and was discussed at GT Telecom meetings throughout 2022. On 8 November 2022, the Czech Presidency presented the final version of

the draft text, with a view to its approval at the COREPER. At the Council meeting on 6 December, the Czech Presidency presented the draft for the General Guidelines of the Regulation, which were unanimously approved, leading to negotiations with the EP.

- **Draft Artificial Intelligence Act (AIA):** this draft was published on 21 April 2021. During the 1st half of 2022, the French Presidency completed the drafting of a first version of the compromise text and after discussion of the text within GT Telecom, prepared a second partial version for discussion. Already under the aegis of the Czech Presidency and following the work carried out by GT Telecom, it was possible to prepare a version of the draft for presentation to the COREPER. As the proposal was validated by the COREPER, on 6 December, the TTE Council unanimously approved the text of the General Guidelines, which is now to be negotiated with the EP.
- **Draft Regulation on Harmonised Rules on Equal Access and Use of Data (Data Act):** The EC adopted this draft Regulation on 23 February 2022. Since there was no agreement among the Member States on a version of the text for presenting the draft General Guidelines, a progress report was presented at the COREPER, which was subsequently presented to the TTE Council on 6 December. It is expected that, during the first half of 2023, it will be possible to submit draft General Guidelines for approval by the TTE Council and subsequent referral to the EP for discussion.
- **Political Programme for the Digital Decade 2030 (*Path to the Digital Decade*):** participation in the various negotiation phases of this Political Programme, which reflects the EU's digital ambitions for 2030 (Digital Compass), in the form of a specific implementation mechanism that, for the first time, establishes common digital targets and goals. It creates a governance framework based on an annual co-operation mechanism between the EP, the Council, the EC and the Member States in order to achieve the 2030 Digital Decade targets at Union level in the fields of digital skills, digital infrastructures, and the digitisation of companies and public services, in line with the Declaration on Digital Rights and Principles for the Digital Decade, signed on 15 December 2022. It also aims to identify and implement large-scale multinational projects involving the EC and the Member States and creates a figure for the execution of these projects: the European Digital Infrastructure

Consortium - EDIC. The Programme enters into force in January 2023 and, in June 2023, the EC should publish the first report on the state of the Digital Decade, in order to carry out an evaluation and present recommendations on the progress made in achieving the goals and objectives defined.

- **European Declaration on Digital Rights and Principles for the Digital Decade:** ANACOM participated in the debates and followed developments on the European Declaration on Digital Rights and Principles for the Digital Decade, which consists of a solemn, non-binding joint declaration by the EP, the Council and the EC, and which establishes digital principles, including the right to access the Internet, based on universal human rights and European values - with the aim of promoting the European path to digital transformation, based on common European values, which serve as the foundation for an open and secure digital environment, based on people. It is in line with the Political Programme for the 2030 Digital Decade and reflects the principles and priorities of both existing policies and targets and digital regulation. The first version of the Declaration was published on 26 January 2022 and on 14 November 2022, it was announced that the Member States, the EP and the EC had concluded negotiations. Consensus was obtained on the final version at a COREPER meeting, which ended up being signed on 15 December 2022.
 - **EC committees and groups**

ANACOM represents the Portuguese State on a number of EC committees and groups, established under the ambit of the regulatory framework for electronic communications, postal services and e-commerce. Examples include the Communications Committee (COCOM), which is responsible for implementing the regulatory framework for electronic communications, the Radio Spectrum Committee (RSC) and the Postal Directive Committee. In 2022, ANACOM also participated, among others, in the RSPG and in the Expert Group on Electronic Commerce.

Communications Committee (COCOM)

Participation in three COCOM meetings was ensured, in which ongoing sectoral initiatives were discussed, an annual report on radio access points for small areas, as well as information on the EC Implementing Regulation on the list of reserved or blocked .eu domain names. Monitoring was carried out on the various ongoing initiatives, namely the Connectivity Toolbox and the Guide for the Digital Decade. The EC also presented a preliminary version of a proposal for the implementation of a Regulation for a harmonised European number (116 016) for victims of violence against women. The topic of the list of reserved and blocked .eu domain names, as well as a draft amendment to Decision 2007/116/EC on the introduction of the said additional reserved number, starting with 116, for the new harmonised European 116-016 number for victims of violence against women, were put to a vote.

Several COCOM questionnaires were answered on the “*2023 EU Justice Scoreboard*”, data collection – 5G indicators, broadband, the EC report on the implementation of small cells, under the ambit of Implementing Regulation (EU) 2020/107.

Radio Spectrum Committee (RSC)

The RSC is responsible for the specific technical measures necessary for the implementation of the Radio Spectrum Policy.

In 2022, with a view to harmonising the technical conditions for making available and efficient use of the spectrum, the following five EC Decisions were adopted by the RSC:

- Decision 2022/172 (SRD): Commission Implementing Decision (EU) 2022/172, of 7 February 2022, amending Implementing Decision (EU) 2018/1538 on the harmonisation of radio spectrum for use by short-range devices within the 874-876 and 915-921 MHz frequency bands);
- Decision 2022/179 and Decision 2022/2307 (5GHz WLANs): Commission Implementing Decision (EU) 2022/179, of 8 February 2022, on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of wireless access systems including radio local area networks and repealing Decision 2005/513/EC;

- Commission Implementing Decision (EU) 2022/2307, of 23 November 2022, amending Implementing Decision (EU) 2022/179 as regards designating and making available the 5150-5250 MHz, 5250-5350 MHz and 5470-5725 MHz frequency bands in accordance with the technical conditions set out in the Annex;
- Decision 2022/180 (SRD): Commission Implementing Decision (EU) 2022/180, of 8 February 2022, amending Decision 2006/771/EC as regards the update of harmonised technical conditions in the area of radio spectrum use for short-range devices;
- Decision 2022/2324 (mobile communications on board aircraft - MCA services);
- Commission Implementing Decision (EU) 2022/2324, of 23 November 2022, amending Decision 2008/294/EC, to include additional access technologies and measures for the operation of mobile communications services on aircraft (MCA services) in the Union.

The RSC also issued a mandate for the European Conference of Postal and Telecommunications Administrations (CEPT) to study and develop harmonised technical conditions with the aim of including 5G technology in the bands harmonised by Commission Decision 2010/166/EU, as amended by Decision (EU) 2017/191, on mobile communications on board vessels (MCV). This amendment aims to facilitate the deployment of advanced MCV services in the Union, thereby supporting EU policy objectives related to connectivity and digital transformation.

Postal Directive Committee

ANACOM participated in the two meetings of the Postal Directive Committee held in 2022 to discuss the review process for the regulatory framework for postal services, which included the presentation of EC reports on the evaluation of the postal directive and on the implementation of the regulation on cross border parcels. The Committee also discussed the issues of postal standardisation and postal statistics, as well as presenting the main developments in terms of the Universal Postal Union (UPU) and the activities carried out by the European Regulators Group for Postal Services (ERGP).

CEF Digital Committee

ANACOM is part of the national delegation to this Committee, as an observer member, having participated, in that capacity, in the meeting of the Committee held on 10 March 2022, which aimed to assess the status of the first calls for tenders launched, in 2021, under the Digital strand of the Connecting Europe Facility (CEF). It also analysed the documents and elements of the second calls for the Digital CEF, which were the subject of debate at the Committee meeting held on 13 December 2022.

Digital Europe Programme (DEP) Coordination Committee

With the adoption of Regulation (EU) 2021/694 of the EP and of the Council, of 29 April 2021, which creates the Digital Europe Programme (DEP) and repeals Decision (EU) 2015/2240, the DEP Coordination Committee was established.

In 2022, several national coordination meetings were held in preparation for the DEP Coordination Committee, in conjunction with the Foundation for Science and Technology (FST), having contributed to the preparation of the main 2023-2024 Work Programme of the same.

Connectivity Special Group

In March 2021, Member States, in close co-operation with the EC, collectively agreed on a set of 39 best practices, included in a “Connectivity Toolbox”, identified as being the most efficient to achieve a rapid implementation of VHCN networks, such as fibre and 5G. These best practices aim to overcome administrative hurdles and reduce the cost of deploying networks, as well as ensuring access to investment in frequency spectrum, an essential resource for deploying 5G networks. According to Commission Recommendation (EU) 2020/1307, of 18 September 2020, Member States are required to report annually to the EC on progress made in implementing the 39 best practices included in the “Connectivity Toolbox”. In this context, in April 2022, after taking ANACOM’s contribution into account, the Portuguese State submitted to the EC a report⁸² on its progress in implementing the 39 best practices set out in the “Connectivity Toolbox”. Additionally, ANACOM, on behalf of the Portuguese State, also participated in a meeting of the Connectivity Special Group on the implementation by EU-27 Member States of the Connectivity and 5G Toolbox.

⁸² See <https://ec.europa.eu/newsroom/dae/redirection/document/88113>.

ECommerce Expert Group

ANACOM participated in the meetings of this Group in June and October 2022, in which the Digital Services Act (DSA) was discussed. Together with the Digital Markets Act (DMA), this Regulation constitutes the proposed regulatory framework for the provision of digital services in the EU, forming part of the EC's priority actions for the period 2019-2024 with a view to preparing the EU for the digital age, updating and extending the scope of application of the 2020 Electronic Commerce directive and imposing a set of new obligations for providers of online intermediation services. The need for Member States to nominate their Digital Services Coordinators (DSC) and to prepare national legislation for the implementation of the Digital Services Act was also discussed. Another topic dealt with was the P2B (platform to business) Regulation, in particular with regard to the importance of communication and general awareness to improve the effectiveness of its implementation and the monitoring of synergies with the DMA and guidelines for platforms and supervisory authorities.

Digital Services Ad Hoc Expert Group

In December 2022, a meeting of the Digital Services Ad Hoc Expert Group was held, convened by the EC services (DG CONNECT services), the main objective of which was to disseminate the ongoing work on the secondary legislation associated with the DSA and submit a proposal to implement the provisions of Article 43 of the DSA regarding the implementing acts that establish the amount of the annual supervision fee applicable to each provider of very large online platforms or very large online search engines.

Radio Spectrum Policy Group (RSPG)

This high-level advisory Group is responsible for advising the EC and, when requested, the EP and the Council, on the development of a radio spectrum policy in the Union. This action covers the technical aspects and also economic, political, cultural, strategic and social issues.

Of particular note in 2022 was the approval of the RSPG Opinion on the 2023 World Radiocommunication Conference (WRC-23), approved and published in December 2022. In this Opinion, the RSPG identifies the EU's priorities for WRC-23, taking into account the link between the topics on the Conference's agenda and various relevant EU policies (transport, energy, connectivity, etc.).

In 2022, the RSPG Report on the peer review exercises carried out in the previous year (2021) was also approved.

SNS JU-SRG

In conjunction with the ANI, ANACOM participates in the States' Representatives Group in the Joint Undertaking Smart Networks and Services (SNS JU-SRG), having contributed towards the preparation of the 2023-2024 Work Programme.

European Broadband Competence Offices (BCO) Network

SEAC Order 7145/2019, of 6 August, determines that ANACOM is to act as the National Broadband Competence Office (BCO Portugal), under the ambit of the Network of European Broadband Competence Offices (Broadband Competence Office - BCO Network), determining in its paragraph 4 that the national BCO must send, annually, to the member of the Government in charge of the area of Communications a report on the activities carried out.

ANACOM's vision as BCO Portugal is to disseminate, in conjunction with both private and public sector entities, information on broadband (BB) best practices and on access to community funds, which will contribute towards increasing the level of efficient investment in very high-speed BB networks and improve the management of these networks in Portugal, enhancing coverage and access to BB for citizens and companies, especially in rural and peripheral regions and promoting equal opportunities, specifically in areas such as health, education and business.

As national BCO, ANACOM's functions include, in particular, participation in the activities of the European network, sharing information and providing assistance to citizens and companies on the implementation of BB, namely mapping coverage, quality of service and penetration and future investment plans, supporting coordination with relevant EU entities, publicising and promoting the use of financial instruments, as well as monitoring BB projects and supporting the definition of good BB practices aimed at companies and consumers.

Activities at European level are instrumental, above all in terms of acquiring, deepening and consolidating information on access to EU funds and best European practices, with a view to their subsequent dissemination among interested entities in Portugal.

During 2022, active participation was ensured in various workshops and conferences, namely the annual BCO conference, on 27.09.2022, which dealt with various topics, such as BB mapping and coverage, financing mechanisms available for BB, Digital Global Gateways, review of DESI indicators, and 5G for Smart Communities, among others.

ANACOM, as BCO Portugal, continued to carry out very significant activity with a view to promoting effective investment in BB networks in Portugal, promoting access to these networks and publicising the conditions for accessing community funding.

- **International Telecommunication Union (ITU)**
 - **ITU Council**

The 2022 session of the ITU Council, the body which, between Plenipotentiary Conferences (PP), ensures the management of the organisation, took place in a virtual format from 21 to 30 March 2022. It was particularly affected by the invasion of Ukraine by the Russian Federation. Due to this situation, many debates were marked by unusual tension between many delegations and the Russian delegation, resulting in a very unusual situation of a formal vote being called for a Council resolution to be adopted. Information was provided by the host country (Romania) on the state of preparation of PP-22, which was proceeding as planned. Progress reports on the implementation of the 2022-2023 strategic plan and implementation of the budget were analysed and approved. The revenue and expenditure forecast for 2022 amounted to 159.9 million Swiss francs. The proposed financial plan for 2024-2027 estimated a deficit of 25.4 million Swiss francs, but the unit contribution of 318 000 Swiss francs will be maintained.

- **Plenipotentiary Conference (PP)**

ANACOM participated, on behalf of the Portuguese State, in the ITU PP, held in Bucharest (Romania) from 26 September to 14 October 2022 (PP-22). The Plenipotentiary Conference (PP) is the highest body of the ITU, meeting every four years. It is up to the PP to define the ITU policy and strategy, as well as the respective budget. The work of the conference is based both on the reports submitted by the Council (which manages the ITU in the period between conferences), and on the proposals presented by the Member States of the ITU.

At PP-22, the so-called eligible positions were elected, i.e., the new Secretary General, the Deputy Secretary General, the Directors of the Departments of the three Sectors of the

Union (Telecommunication Standardisation - ITU-T, Radiocommunication - ITU-R, and Telecommunication Development - ITU-D), the members of the Council, the body that manages the organisation between PP, and the members of the Radio Regulations Committee (RRB).

In addition to discussing the organisation's strategy, funding and management for the next four years, PP-22 discussed additional challenges to be faced, namely the pandemic crisis and the armed conflict in Ukraine. Cybersecurity, internet governance, international connectivity and the relevance of information and communication technologies for sustainable development and post-pandemic recovery were some of the issues that marked the PP-22 agenda.

ANACOM was responsible for the European coordination of proposals for the revision of ITU resolutions aimed at involving the EU in the use of Sensor Monitoring And Reliable Telecommunications (SMART) Submarine Cables to combat climate change and react to natural disasters, specifically earthquakes and tsunamis. European proposals on matters coordinated by Portugal were accepted. It should be recalled that Portugal has been developing pioneering work around SMART Submarine Cables, with the aim of coupling SMART components to the new ring of CAM submarine cables.

- **World Telecommunication Development Conference (WTDC-22)**

ANACOM participated in WTDC-22, which took place between 6 and 16 June 2022 in Kigali (Rwanda). At this high-level conference of the ITU Development Sector (ITU-D), ANACOM coordinated the presentation and negotiation of two common European proposals regarding the updating of Resolutions 34 *"The role of telecommunications/information and communication technology in disaster preparedness, early warning, rescue, mitigation, relief and response"* and 66 *"Information and communication technology and climate change"*. Such proposals essentially aimed at introducing, in the aforementioned resolutions, references to SMART submarine cables. The negotiation process resulted in consensus being reached on the incorporation of such references into both Resolutions.

- **World Telecommunication Standardisation Assembly (WTSA-20)**

Initially scheduled for the last quarter of 2020 in India, the ITU WTSA-20 only ended up being held between 1 and 9 March 2022, in Geneva, Switzerland, due to the pandemic.

The WTSA, the highest body of the ITU Telecommunication Standardisation Sector (ITU-T), normally takes place every four years. The Assembly was preceded by the Global Standards Symposium, which took place on February 28 at the same venue.

ANACOM was represented at the highest level, with the presence of the Chairman of the Management Board, João Cadete de Matos, who, in addition to monitoring the work of the Assembly, met with the main ITU officials, thus underlining Portugal's commitment to this United Nations agency.

Portugal coordinated the presentation and discussion of a Common European Proposal for WTSA-20, which aimed to draft a new ITU-T resolution on SMART submarine cable systems. The subject of SMART submarine cables was unanimously considered relevant and pertinent for discussion at the ITU-T. The approval of the new resolution received significant support, not only in Europe, but also among the countries of the Community of Portuguese Language Countries (CPLP) and other African, Asian and Latin American countries. Even so, given that some (a few) countries opposed the adoption of a new resolution, it could not be approved. In the final minutes of the Assembly, however, the importance of the topic was recognised and instructions were given for the sector to develop standards on SMART submarine cables.

One topic that was especially controversial was the discussion around a potential new resolution on Artificial Intelligence, which was proposed by some regions. The Assembly did not pass such a resolution, but agreed to a declaration on the matter.

The invasion of Ukraine by the Russian Federation significantly disrupted WTSA-20. Despite the technical nature of the ITU-T, the Assembly rejected Russian candidates for election to management positions in the ITU-T study groups and in the Telecommunication Standardisation Advisory Group (TSAG). This decision was made, at the request of the Russian Federation, by secret ballot, with the decision not to include Russian candidates having been approved with 53 votes in favour, 19 votes against and 28 abstentions.

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

Representation was ensured at the meeting of the Telecommunication Standardisation Advisory Group (TSAG) of the ITU, which took place from 12 to 16 December 2022, in Geneva. This was the first meeting of this ITU body, in the current study period, which runs

between 2022 and 2024, the year in which the next World Telecommunication Standardisation Assembly (WTSA-24) will take place.

As this is an advisory group to the Director of the ITU Standardisation Office, ANACOM had the opportunity to suggest initiatives that contribute towards the SMART Cables standardisation process.

- **Universal Postal Union (UPU)**

The UPU, an intergovernmental organisation and specialised agency of the United Nations system, with 192 member states, has the mandate to “stimulate the lasting development of efficient and accessible universal postal services of quality in order to facilitate communication between the inhabitants of the world”. ANACOM represents Portugal at the UPU, under the ambit of its powers to assist the Government.

The UPU marked several milestones in 2022: on the one hand, it was the year of resumption of in-person activity, after the pandemic period and, on the other, it was the first year of the Abidjan cycle (2022-2025), in which working groups were set up and began the activities for the quadrennium. ANACOM resumed its in-person participation in the Plenary meetings of the two Councils (the Council of Administration and the Postal Operations Council), on behalf of Portugal, and ensured remote participation in the most significant working groups from the standpoint of postal regulation.

This was the case of ANACOM’s participation in the Task Force on the Opening up of the UPU to the Wider Postal Sector, which met remotely about ten times throughout 2022, reflecting the importance of the topic. The UPU has been advocating constant adaptation of the postal sector to the challenges encountered over the years. In particular, it has recognised that access by other actors in the expanded postal sector to UPU products and services (hitherto reserved for operators designated by member countries to comply with acts of the UPU) will help to advance the mission of the organisation, as set out in the Constitution of the UPU. It will particularly contribute towards advancing the UPU’s mission in the areas of co-operation and interaction between stakeholders, as well as ensuring that citizens’ needs, which are constantly changing, are met. In the summer of 2022, the Task Force, in which ANACOM participated on behalf of Portugal, prepared a UPU public consultation, with questionnaires addressed to 5 different groups of recipients – governments, regulators, designated operators, other players in the postal sector and

members of the UPU Consultative Committee – to collect the opinion of all entities whose activity is in some way related to the postal sector, on topics such as the possibility of joining the UPU, its reform and restructuring or the identification of UPU services and products of greatest interest. ANACOM responded to the questionnaire addressed to regulators and endeavoured to disseminate the questionnaire addressed to other players in the postal sector, in addition to the designated operator, not only disclosing the initiative directly to all postal service providers registered with ANACOM, but also through its website and social media, to reach the widest possible target audience.

Under the same process of opening up the UPU to the wider postal sector, ANACOM also ensured the participation of Portugal as a member of a Team of Experts set up to analyse the catalogue of UPU products and services, which may be made available to all stakeholders in the postal sector and with what priority. The Team of Experts met remotely several times throughout the year with a view to preparing proposals to be submitted to the Extraordinary Congress to be convened in October 2023, convened to deliberate on this process of opening up the UPU.

ANACOM also represented Portugal as a member of a permanent working group dedicated to recovering debts accumulated by some member countries and analysing payment plans and other mechanisms, ensuring, on the one hand, the settlement of debts and the lifting of sanctions to which those member countries are subject, and, on the other, the financial sustainability of the organisation.

ANACOM was also present at the plenary sessions of the Council of Administration and the Postal Operations Council in May (session 1) and October (session 2), and at the Regulation Conferences organised by the UPU under the ambit of the Council of Administration's agenda. The May Postal Regulation Conference, the first after the pandemic years, was dedicated to the theme *“Adapting to the new postal market: Recent developments in the definition of universal service, policy and regulation”*; the October conference sought to become a true forum for debate on the main topic on the UPU agenda until the 2023 Extraordinary Congress, *“Opening up the UPU to the Wider Postal Sector”*.

- **Postal Union of the Americas, Spain and Portugal (UPAEP)**

The UPAEP, based in Montevideo, Uruguay, is an intergovernmental organisation formed by 28 member countries, with the main objective of promoting technical co-operation

between their postal operators. It is constituted as a Restricted Union of the UPU, implementing, at the regional level, policy and the World Postal Strategy. ANACOM represents Portugal at the UPAEP, under the ambit of its duties to assist the Government.

After the 24th Congress (Curaçau, October 2021) approved Portugal's candidacy to host the next UPAEP Congress, ANACOM immediately began planning and preparation in 2022 to host the 25th UPAEP Congress, in Portugal, in March or April 2026, together with the General Secretariat of the UPAEP, which made a first preparatory visit to ANACOM in May.

In June, as part of what was called "Madrid postal week", the UPAEP Postal Regulation Forum took place, an annual event organised under the ambit of the work of the Regulatory Affairs Committee (RAC), a body of the UPAEP of which Portugal is a member and in which ANACOM ensured the country's active participation. At the 2022 Postal Regulation Forum, ANACOM Director Patrícia Gonçalves gave a presentation to the UPAEP on the EU Regulation on Cross-Border Parcels and on its implementation, thus sharing European experience with Latin American partners.

Throughout the year, ANACOM participated as a member in the meetings of the UPAEP working groups (WG) of which Portugal is a member: the RAC, the Technical Co-operation WG, the Strategic Planning WG, the Finance WG, the Integrated Remuneration WG, the Sustainability WG and the Rapporteur Group on Governance. Furthermore, ANACOM represented Portugal at the regional coordination meetings prior to the sessions of the UPU Councils (in May and October) and at the regional coordination meetings in March and August, on one of the most divisive issues on the international postal agenda, the opening up of the UPU to the wider postal sector. In order to give a more informal tone to meetings like these and encourage real debate of ideas, the UPAEP took an innovative initiative and created "UPAEP Chats", the first session of which took place in December 2022, once again dedicated to the theme of the opening up of the UPU; ANACOM participated in this session on behalf of Portugal.

The year ended with the annual meeting of the Consultative and Executive Council (CEC), the body that manages the UPAEP in the period between congresses, which took place between 28 November and 1 December 2022. Portugal was represented by the ANACOM delegation, headed by the Chairman of the Management Board, João Cadete de Matos, together with the Portuguese Ambassador in Uruguay, João Pedro Antunes, who participated in the Council's opening session.

The CCE'22 approved the annual activity reports of the different working groups of the UPAEP, the Plan of Activities for 2023 and the budget for 2023 and the General Secretariat presented a new line of communication for the UPAEP. Another highlight was the meeting of the RAC, included in the CCE'22 agenda, led by the co-presidents of Spain and Uruguay, where the UPAEP Postal Regulation Plan (PRP) for 2023 and the Postal Regulation Observatory were presented, the two main RAC initiatives in 2022.

- **Organisation for Economic Co-operation and Development (OECD)**
 - **Committee on Digital Economy Policy (CDEP)**

ANACOM participated in meetings of the CDEP, the OECD committee that aims to develop policies and regulatory frameworks that encourage competition, investment and growth in an accessible, innovative, open, inclusive and reliable digital economy, for sustained and inclusive prosperity.

The year 2022 was marked by the focus given by the CDEP to topics such as artificial intelligence and the preparation of the Ministerial meeting that took place in Las Palmas – Canary Islands (Spain), from 14 to 15 December, as well as the preparation of the ministerial declarations adopted there. The creation of a Global Technology Forum was also discussed and an analysis began of the most recent applications for membership of the OECD Convention, namely: Brazil, Bulgaria, Croatia, Peru and Romania. Finally, the CDEP coordination team (Bureau) for 2023 was appointed.

ANACOM was part of the Portuguese delegation at the CDEP Ministerial level meeting, under the theme “Driving long-term recovery and economic growth by building a trusted, sustainable, and inclusive digital future”, which brought together government authorities from fifty countries who met with business leaders and representatives of civil society to discuss topics such as artificial intelligence, data governance, the future of connectivity, cybersecurity and human rights in the digital age.

The meeting culminated in the adoption of two ministerial declarations (on “government access to personal data held by private sector entities” and on “a trusted, sustainable and inclusive digital future”) and a series of recommendations on cybersecurity.

- **CDEP Working Party on Data Governance and Privacy (WP DGP)**

Remote participation was ensured in the 6th session of the Working Party on Data Governance and Privacy, where topics such as the Digital Economy Outlook (DEO), the Recommendation on enhancing access to and sharing of data, the organisation of the Ministerial Meeting of the CDEP and the Recommendation on cross-border co-operation in the enforcement of laws protecting privacy.

- **CDEP Working Party on Security in the Digital Economy (SDE)**

ANACOM participated remotely in the 6th session of the Working Party on Security in the Digital Economy (WP SDE) where, among others, discussions were held on the draft Recommendations on Digital Security and the draft *OECD Policy Framework on Digital Security: Cybersecurity for Prosperity* and the draft report on “Enhancing the security of communications infrastructure”.

- **Network of Economic Regulators (NER)**

Two NER meetings were held, which aim to promote co-operation and dialogue between regulators from different countries and sectors, with a focus on optimising economic regulation, competition and investment in each sector and allowing regulators to share experiences and challenges and identify innovative solutions.

Of the topics discussed, the indicators on the Governance of Sectorial Regulators stand out, as well as the contribution of economic regulators towards environmental sustainability (“Green Governance”).

The *Bureau* (coordination team) 2023 of NER was also designated, which includes Vera Eiró, CEO and Chair of the Board of Directors of the Water and Waste Services Regulator (ERSAR).

- **Satellite organisations**

- **European Telecommunications Satellite Organisation (EUTELSAT IGO)**

Portugal participated as an observer in the April Advisory Committee, in which the Executive Secretary (Piotr Dmochowski-Lipski, Poland) reported that the Dane Eva Berneke had been appointed CEO of the company monitored by the IGO, with effect from 1 January 2022, succeeding Rodolphe Belmer. The AC noted that the financial situation of the Eutelsat group continues to decline, with revenues, totalling 572 million euros, falling 4.7% in the first half of the 2021-2022 financial year. The war in Ukraine has had a substantial impact on the company’s operations, as Eutelsat SA is involved in commercial partnerships with the Russian Federation, as well as, to a lesser extent, with Ukraine, both markets being the source of around 6% of its earnings.

- **International Mobile Satellite Organisation (IMSO)**

The 28th Ordinary Meeting of the IMSO was held, for the first time in person since the outbreak of the COVID-19 pandemic, in London, between 26 and 30 September. With effect from 15 April 2023, the new Director-General, Laurent Parenté (Vanuatu), was elected for a 4-year term, succeeding Moin Ahmed (Bangladesh). Brazil (Pier Giovanni Taranti) and Ecuador (Captain Gabriel Abad Neuner) also put forward candidates.

The debate focused on the operators that provide services under the ambit of the Global Maritime Distress and Safety System (GMDSS) – an international convention applicable to cargo vessels weighing more than 300 tons or with more than 12 passengers, when on international voyages or in the open sea – under the supervision of the IMSO, in particular the entry into operation of a third and new Chinese GMDSS operator, BeiDou.

- **International Telecommunications Satellite Organisation (ITSO)**

The 40th ITSO Assembly of Parties (AP) met in Washington DC, from June 28 to 30, with 86 States participating. The AP-40, chaired by France (Gilles Bregant), approved the continuation of the satellite organisation and its supervisory role vis-à-vis Intelsat, the world's largest satellite operator. It also approved the budget for the financial year ending 30 June 2023, and the extension of the 2nd term/contract of the current Director-General (Patrick Masambu, Uganda), until 17 July 2025.

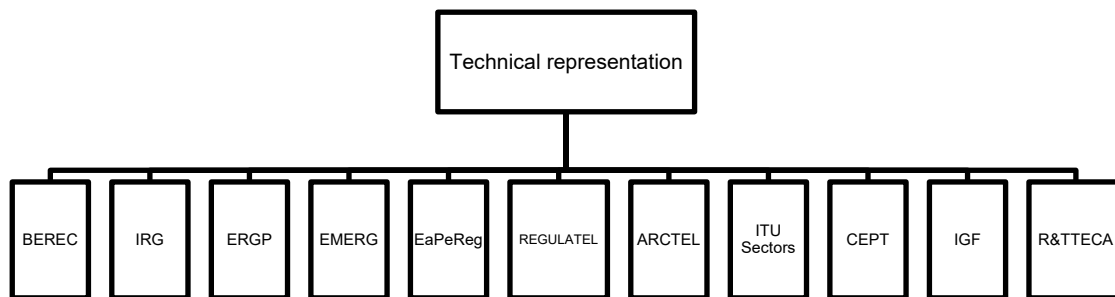
Region D (Africa, which encompasses 45 countries) defended, in a very combative and critical way, the management of the ITSO's so-called "Common Heritage", i.e., the orbital positions and associated frequencies, which guarantee the best global coverage by the network of geostationary satellites, proposing the creation of, at least, a new Notifying Administration before the ITU, which will involve the amendment of the Agreement.

After a long and sometimes turbulent debate, the meeting ended inconclusively, with 2 working groups created at this AP (a WG to analyse the future of ITSO and another WG focusing on protecting the Common Heritage) to continue the work started.

16.2. Technical representation

As a result of its competencies and/or technical expertise, ANACOM represents Portugal in dealings with various international entities and organisations, as shown in the following figure.

Figure 8 - Technical representation of ANACOM



Source: ANACOM.

- **Regulatory organisations**

Regulatory organisations and associations represent one of the most effective means of ensuring regulatory co-operation and establishing a harmonised framework with the countries and regions with which ANACOM and Portugal have preferential relations. Under this framework, of particular note is participation in the BEREC, in the IRG and in the ERGP, in terms of the European region, in the EaPeReg, for the countries of eastern Europe, in the EMERG, for the Mediterranean basin, in REGULATEL, for the region of Latin America, and in ARCTEL-CPLP, regarding the Community of Portuguese Speaking Countries (CPLP).

- **Body of European Regulators for Electronic Communications (BEREC)**

ANACOM was present at all meetings of the Board of Regulators (BoR) in 2022, including the workshops that preceded these meetings, and of the Management Board (MB) of the BEREC Office. ANACOM also participated in all the meetings of the Contact Network (CN), which is the intermediate operational group of representatives of each NRA, in order to prepare for the BoR meetings.

It also participated in the 10th BEREC Stakeholders Forum, in March, where discussions were held on the BEREC work programme for 2023 and the BEREC study on the effects of

electronic communications on the environment, the main developments with regard to topics such as Artificial Intelligence and the regulation of digital platforms, and the presentation, by the EC, of the Digital Decade Policy Programme.

In terms of working groups (WG), ANACOM retained the co-chair of the WG End-Users.

The Authority collaborated in the preparation of the following BEREC Opinions, in 2022: Opinion on the proposed EC Data Act; BEREC Guidelines on Wholesale Roaming; Opinion on the EC Delegated Regulation on measures to ensure effective access to emergency services through emergency communications to the single European emergency number “112”; Opinion on the draft EC Decision amending Decision 2007/116/EC regarding the introduction of an additional reserved number starting at 116 - new helpline for victims of violence against women; Opinion on the preliminary assessment of the assumptions underlying payments from large providers of content and applications (CAP) to providers of Internet services (ISP); and opinion for the evaluation of the application of Regulation (EU) 2015/2120, of 25 November 2015.

It is worth highlighting participation in the drafting and subsequent publication by BEREC of the following reports:

- *BEREC Report on the implementation of the Open Internet Regulation 2022*: This report, which covers the period from 01.05.2021 to 30.04.2022, provides an overview of the activities of national regulatory authorities in the course of implementing the TSM Regulation and the BEREC Guidelines on the Open Internet. This report is based on information collected from 28 NRAs, through an internal questionnaire, on the control and supervision activities carried out in the period in question.
- *BEREC Report on migration and copper switch-off*: The objectives of this report are: (i) to provide an overview of the current status and future plans for the SMP operator's copper network switch-off; (ii) to analyse in detail the rules defined by the NRAs for the copper migration and switch-off process; and (iii) to analyse other aspects of the copper migration and switch-off process (e.g., timing). Ultimately, the report aims to identify a consistent approach to copper migration and switch-off.
- *Draft BEREC Report on competition multiple NGA networks*: This preliminary report was based on data collected from NRAs in 31 European countries, in April 2022,

and its objectives are: (i) to analyse the extent to which several NGA networks are present in the same geographic area and the resulting impact on retail prices and product features; and (ii) to analyse the impact on the wholesale market of local access provided at a fixed location, considering both the cases in which the market definition and/or remedies have been geographically differentiated, and the cases in which this does not happen.

- *BEREC report on regulatory treatment for fixed and mobile backhaul*: This report presents the legal and regulatory provisions applicable to mobile and fixed backhaul and the use of different types of backhaul networks and services in Europe, as well as the views expressed by operators on their current and future needs. The report is based on information gathered from the 35 NRAs surveyed, from operators operating in Europe (60 responses), and from two associations of operators.
- *BEREC Report on the Internet Ecosystem*: This report highlights that electronic communications services and electronic communications networks are part of the Internet ecosystem. According to the report, some of the economic characteristics of some of the elements that make up the Internet ecosystem could generate bottlenecks, which could have an impact, not only on competition dynamics, but also on the domain of the open Internet.
- Delegated Regulation supplementing Directive (EU) 2018/1972: ANACOM actively monitored and contributed towards the work of BEREC related to the delegated regulation that supplements Directive (EU) 2018/1972 of the EP and of the Council, with measures aimed at ensuring effective access to emergency services through emergency communications for the single European emergency number “112”⁸³. The Delegated Regulation, as referred to in Article 1, establishes measures to ensure effective access to emergency services through emergency communications, with regard to solutions relating to information on the location of the person making the call, accessibility for end-users with disabilities, and referral to the most appropriate PSAP. This Regulation was adopted by the Commission on 16 December 2022.

⁸³ EC Delegated Regulation (EU) 2023/444 of 16 December 2022, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R0444>.

- Databases of numbering ranges used to provide value-added services and means of accessing emergency services for roaming users: ANACOM actively monitored and contributed to BEREC work related to the databases of numbering ranges used for the provision of value-added services and means of access to emergency services for roaming users. It is noted that under the terms of Article 16 of the Roaming Regulation⁸⁴, BEREC must create and maintain said databases, which must be made available to operators, national regulatory authorities and, where applicable, to other competent authorities. As a measure of transparency, BEREC decided to make the databases accessible to the public. According to Article 24 of the Roaming Regulation, the obligations of roaming service providers regarding the provision of information on numbering ranges used for the provision of value-added services and information on alternative means of accessing emergency services, with regard to the information contained in said databases, apply from 1 June 2023.

⁸⁴ Regulation (EU) 2022/612 of the EP and of the Council, of 6 April 2022, available at <https://eur-lex.europa.eu/legal-content/PT/TXT/?uri=CELEX:32022R0612>.

- **Independent Regulators Group (IRG)**

In 2022, ANACOM was present at all general meetings of the IRG and contact network meetings (preparatory meetings and meetings preceding general meetings).

He also participated in the senior workshop on “*Understanding the economics of platforms to better enforce the upcoming digital regulation*,” held in person, in Brussels, on 26 October. It also participated in two workshop events, namely the *IRG Webinar on Global Gateway*, held on 25 May 2022, and the *IRG Training Workshop on “Passive infrastructures sharing: NRA’s sharing perspectives”*, held on 30 June 2022.

Within the scope of co-operation between the NRAs of the IRG, ANACOM collaborated in responding to 96 questionnaires launched by its counterparts and developed 11 questionnaires of its own.

- **European Regulators Group for Postal Services (ERGP)**

In 2022, the work carried out by the ERGP was centred around three strategic fronts, which formed part of the 2020-2022 inter-annual plan, namely: revisiting the postal sector, promoting a competitive single European postal market and empowering end-users. In this context, ANACOM actively collaborated in the projects prepared by the ERGP in 2022, addressing topics currently relevant to the postal sector, such as, for example, the impact of online platforms on the sector, the environmental transition of the sector under the ambit of the EU Green Deal project, the future needs of consumers for postal services or the impact of the rules for the charging of VAT on cross-border postal items in Europe. Following a reassessment of the Postal Directive by the EC, ANACOM also contributed towards the preparation of the report in which the ERGP consolidated its position regarding the revision of the EU postal regulatory framework.

Two plenary meetings and respective preparatory meetings were held, specifically two contacts network meetings and two meetings of the chairpersons of the working groups.

Through its participation as an active member or as a drafter, ANACOM actively contributed towards the work of all ERGP groups with a special focus on reviewing the regulatory framework, the impact of online platforms on the postal sector, market access, new needs and rights of users, environmental sustainability and the cross-border parcel delivery market.

Furthermore, ANACOM assumed the role of chairing, jointly with the Italian regulator, the Regulatory Framework working group, dedicated to reviewing the regulatory framework for postal services. In particular, in 2022, this group prepared a position paper following the EC report on the application of the Postal Directive. It also produced a report on *online platforms and e-retailers: implications for the future regulatory framework*.

ANACOM was also represented at the third ERGP Stakeholders Forum, which took place in September, in Brussels, and which brought together representatives from the postal, digital, transport and e-commerce sectors, with the aim of gathering opinions regarding the need for a revision of postal regulations. Subsequently, ANACOM presented the ERGP's position in a discussion around the theme of the future of the US, at the ERGP public workshop, held in Barcelona, in November.

Within the scope of co-operation with the EC and among NRAs, ANACOM collaborated in the response to several questionnaires, responding all requests and launching two questionnaires of its own.

- **European Mediterranean Regulators Group (EMERG)**

Participation was ensured in the two meetings of the contact network, in May (preparatory meetings and those that precede the plenary meetings), as well as in the two plenary meetings (May and December) and in those of the Permanent Secretariat, as well as in the meeting with representatives of the EC (DG CONNECT and DG NEAR) in May, and with consultants from the EC project "*EU4Digital in the Southern Neighbourhood*" in December. It also participated in the workshop on solutions to the challenges of connectivity in the Euro-Mediterranean region, focusing the debate on the role of 5G networks and comparable technologies, which took place in Milan on 11 November.

In 2022, ANACOM assumed the vice-presidency of EMERG, a group that brings together sectoral Regulators from Mediterranean countries, namely members of the IRG, North Africa and the Middle East, maintaining the co-presidency of the working groups on Future Strategy and Planning and Communication. It also participated in the activities of other working groups, namely on *End Uses, Digital Platforms, International Roaming, and Connectivity*.

Continuing the initiative launched in 2021, it promoted nine webinars directed and overseen by experts from among EMERG members, on various matters relevant to the Regulatory

authorities of member countries (*connectivity toolbox, Achieving Digital Sustainability, International connectivity: challenges and opportunities, Regulated access offers to poles and ducts, Submarine cables, Digital Telco 2030, 5GZorro project - Towards a dynamic marketplace for 5G resources*). Also, under the plan of the ANACOM Presidency, assumed in 2021, the EMERG Portfolio was published, a publication launched on “EMERG Day” (1 July), based on the contributions collected from all members, which aims to illustrate and aggregate all the achievements of EMERG until 2022.

- **Eastern Partnership Electronic Communications Regulators Network (EaPeReg)**

Under the ambit of the EaPeReg, chaired by the Armenian Regulator, ANACOM participated, virtually, in the June and November Plenary sessions. Participation was also ensured in the “Multi-TAIEX” workshop on “*Tools and applications for Broadband mapping*”, aimed at EaPeReg members, promoted with EC support, which took place in Brussels, between 31 May and 2 June. ANACOM’s participation aimed at presenting the work carried out in terms of mapping/information systems - SIIS.

- **Forum of Latin American Telecommunications Regulators (REGULATEL)**

ANACOM participated in the Plenary meeting in December and collaborated in the response to the 12 questionnaires on various regulatory matters, cybersecurity, literacy and digital transformation, wholesale market indicators, river fibre optics, spectrum, among others, launched by its counterparts and developed in the context of the working groups of this Forum, namely the groups on Telecommunications Indicators, Innovative Regulation and User Protection and Quality of Service (QoS).

- **Association of Communications and Telecommunications Regulators of the CPLP (ARCTEL-CPLP)**

The XIV General Assembly (GA) of ARCTEL took place in the city of Praia, in Cape Verde, on 20 and 21 April 2022. All 9 ARCTEL member regulators were present, who took part in the usual *tour de table* in which they shared the main regulatory measures they adopted in their countries in 2021. The GA approved the plan of activities for the 2022-2023 biennium, already under the Presidency of ANATEL (Brazil), and the respective budget for 2022. The bodies of ARCTEL were elected, maintaining the Executive Secretary as Francisco Chate (from INCM, Mozambique) and renewing the members of the Board which, in 2022-2023, will be chaired by ANATEL (Brazil), and will have as its members the INACOM (Angola) and ARME (Cape Verde). The various working groups (WG) were given the opportunity to present their activity and all had their mandates renewed. The GA also considered that, once the global pandemic had passed, which had led to the suspension of some previously existing working groups, it would be time to reactivate them.

In 2022, ANACOM continued to chair the Statistics WG and the Communications Resilience WG, and participated as a member of the Statutes Revision WG and the Universal Service WG, thus intensifying its participation in the ARCTEL. Finally, mention should be made of the institutional session, with invited representatives from the ITU, the UPU and the African Telecommunications Union (ATU), and the 12th edition of the CPLP Communications Forum, which took place under the theme “*Cybersecurity and Cyber Resilience*” and which included contributions from the Director of the Azores Delegation of ANACOM, João Beleza Vaz, in the panel on “*What cyber resilience means and how to implement it*”.

In November, the 6th Statistics WG meeting was held in Lisbon, chaired by ANACOM, and a workshop on infographics was organised. The WG concluded that the procedures for collecting, processing, analysing and publishing statistical information on the sector has evolved in recent years in the CPLP countries. At the workshop, all regulators from the participating CPLP countries recognised that, by transmitting data and concepts in an easy to understand and appealing manner, the production of infographics constitutes a complementary means of conveying the sector’s statistical information to the general public.

- **International organisations**

As already mentioned, ANACOM carries out its mission of international representation by involving itself in the work of various organisations. In some situations, it does so in the dual capacity of representative of the Portuguese State and industry Regulator.

- **European Conference of Postal and Telecommunications Administrations (CEPT)**

CEPT is a regional organisation established in 1959 by representatives of 19 countries, currently comprising 48 members, including ANACOM as representative of Portugal. The CEPT's activities include co-operation on regulatory and technical standardisation issues. The CEPT is responsible for coordinating European positions to be submitted to international organisations in the sector, such as the ITU and the UPU.

Electronic Communications Committee (ECC)

ANACOM has prioritised participation in working groups and project teams on frequency management, spectrum engineering, mobile issues (IMT) and conference preparation.

In 2022, the ECC reached agreement and approved for publication a set of documents that deal with 5G, UAS, ultra-wideband (UWB), MCA communications, MCV communications, MFCN/5G, satellite issues and automotive short-range radar (SRR).

The ECC agreed to publish CEPT Report 82 on less restrictive harmonised technical conditions for the frequency band 40.5-43.5 MHz, in response to the EC Mandate to develop less restrictive harmonised technical conditions in the frequency bands above 24 GHz, including the 42 GHz band (5G).

The ECC also agreed on the way forward with regard to the EC mandate on the shared use of the 3.8-4.2 GHz frequency band and proceeded to update the CEPT roadmap for 5G.

Progress was also achieved on several topics, such as the coexistence of the MFCN with radio altimeters in the 4.2-4.4 GHz frequency band.

Working Group Frequency Management (WGFM)

This group, which is responsible for developing strategies, plans and procedures for the implementation of harmonised measures under the ambit of radio spectrum management within the CEPT, met three times in 2022.

Over the course of 2022, WG FM reviewed and drafted new ECC Decisions and Recommendations, including UWB in the 116 GHz-260 GHz band (in support of an EC Mandate), WAS/RLAN on road vehicles in the 5GHz band (in support of an EC Mandate), ITS in the 5.9GHz band, EFIS, FSS, SRD, PMSE/audio and Maritime Mobile on VHF.

In 2022, in addition to the 2022 annual national interference statistics questionnaire, the WG FM developed a questionnaire on BB-PPDR.

Working Group Spectrum Engineering (WGSE)

The WGSE, which is responsible for conducting technical sharing and compatibility studies between various services and/or applications, with a view to the introduction and harmonised operation of mobile communications (microphone transmitters and private networks, Wi-Fi equipment (WAS/RALN), fixed/mobile satellite service, and short-range equipment, met virtually 3 times in 2022, approving twelve reports (highlighting the impact of generic wireless chargers, including chargers for motor vehicles, analysis of measurement techniques for power emitted by 5G stations that use active antenna systems, studies under the ambit of numerous applications/items of equipment that operate exempt from licensing).

This group is currently defining criteria for protecting connections under the ambit of the fixed service, developing an algorithm for measuring the resilience of receivers, analysing the impact of wireless chargers for electric vehicles, new ranges for microphone transmitters, as well as the introduction of short-range applications for radio frequency identification and radiodetermination and the introduction of wireless access systems/radio local area networks (WAS/RLAN) in the frequency bands 5945–6425 MHz (analysis of out-of-band emissions) and 6425–7125 MHz.

ECC PT1 Working Group

The ECC PT1 working group is responsible for all matters related to IMT, with the mission, among others, of developing harmonisation measures for the bands identified for the IMT system, including the respective channels and technical conditions, carrying out sharing/compatibility studies and coordinating European positions within the ITU-R. Additionally, it is the group responsible for the preparation of WRC-23 with regard to AI 1.2, 1.3, 1.4 and 9.1 of WRC-23.

NaN (Numbering and Networks) Working Group

WG NaN (Numbering and Networks) is a working group that discusses and studies issues of common interest in terms of numbering policy and networks, specifically those related to the impact of technological developments on the regulation of the electronic communications sector, including emergency communications, the development of harmonised criteria in the allocation and use of national and international numbering resources and the drafting of proposals for harmonised approaches in solving technical and regulatory challenges. A common platform for sharing information between countries that are members of the CEPT is also provided. As part of its work, WG NaN develops reports, recommendations and decisions that aim to promote the regulatory development of these matters in Europe and maintains a dialogue with standards development organisations and regulatory bodies from other regions of the world and the representative bodies of the industry. In 2022, WG NaN approved “*ECC Report 337 - Public numbering resources for mobile non-public networks*”, and “*ECC Report 338 - CLI Spoofing*” and “*ECC Report 339 - eCall call-back functionality*”.

ANACOM regularly participates in the different working subgroups, including chairing the NaN2 subgroup (*Number Portability, Switching and Trust in Numbering and Network Technology Regulatory Issues*), which has been studying and monitoring, among other topics, technical and regulatory aspects related to portability, the use of Calling Line Identification (CLI) associated with fraudulent practices and misuse of numbers in electronic communications, as well as the progress of standardisation at the level of the access network, interconnection and interoperability.

Of the remaining subgroups, the following are of particular note:

- NaN1 (*Future of Numbering issues*) - studies and monitors technical and regulatory aspects related to: the development of efficient policies for the administration of numbering plans, research and identification of harmonised approaches in relation to national numbering, such as numbering resources for cloud-based communication services, and the study of relevant regulatory issues in communications services, promoting equality and non-discrimination in access to numbering resources. In 2022, the report “*ECC Report 337 - Public numbering resources for mobile non-public networks*” was approved, which analyses the different variants of mobile non-public networks and the need to use numbering resources.
- NaN3 (*Emergency Communications*) – studies and monitors the technical and regulatory aspects related to emergency communications, specifically including access to Public Safety Answering Points (PSAP) from electronic communications networks and services, the provision of information on the location of emergency calls to the PSAP through, among others, the Advanced Mobile Location (AML), eCall and NGeCall technologies, and the promotion of the European Emergency Number 112. In 2022, the report “*ECC Report 339 - eCall Call-back Functionality*” was approved, which analyses the impacts of different eCall implementations on making call-backs and also describes the problems that make it impossible to make these call-backs.

Conference Preparation Group (CPG)

In 2022, ANACOM participated in two meetings of the CPG group, responsible for leading the CEPT’s preparation for ITU WRC-23. This preparation is aimed at drawing up duly consolidated European common positions, so that they can be defended at world level and, as far as possible, decided in favour of Europe. The CPG group advanced in the approval of framework documents that will make it possible to base, in the future, the European common positions whose work is developed by five project teams, to which the various items of the WRC-23 agenda are allocated, with the following groups of themes: scientific space and regulatory services, satellites, aeronautical and maritime services, mobile service and broadcasting service.

European Committee for Postal Regulation (CERP)

ANACOM participated in the work of the CERP, both at the plenary meeting level and at the level of the two CERP working groups (WG), which promote European coordination, in the case of the WG UPU, for the most relevant issues on the UPU agenda, and, in the case of WG Policy, for policies to regulate the liberalised postal market.

The 57th CERP Plenary met on 28 and 29 June 2022, in Madrid, chaired by Spain. Portugal was represented by ANACOM, whose delegation included the Chairman of the Management Board of ANACOM, João Cadete de Matos, and the Director Patrícia Gonçalves, in a joint session between the CERP, ERGP, UPU and UPAEP that took place at this 57th Plenary. Mention should be made of the fact that the CERP is experiencing a moment of reflection, as, on the one hand, it lacks robustness in view of the work already carried out in the EU groups, but, on the other, it has demonstrated originality in promoting dialogue between ministries and European regulators (and it should be remembered here that, after Brexit, the United Kingdom ceased its participation in EU groups, now preferring to work within the CERP).

ANACOM actively participated in the work of the WG UPU, the CERP working group that promotes regional coordination between postal regulators on the main topics on the UPU agenda. Several virtual meetings of the WG UPU were held in 2022 and, in person, the group met on the sidelines of the May and October sessions of the Council of Administration of the UPU. ANACOM represented Portugal at all of them.

Com-ITU

ANACOM played an active part in the work of this Committee, which continued to prepare relevant topics for Europe to be discussed at ITU assemblies and conferences.

The year 2022 was particularly intense given the concentration of ITU events: the ITU Council, which took place, in a hybrid format, between 21 and 30 March, the World Telecommunication Standardisation Assembly (WTSA-20), the World Telecommunication Development Conference – WTDC-22, and the PP.

Under the ambit of this committee, in 2021, ANACOM had submitted a proposal for a new WTSA resolution to promote the concept and encourage the drafting of standards for SMART submarine cables and also proposals for amendments to two WTDC resolutions to

include specific mention of the SMART submarine cables in the context of prevention and response to natural disasters and in the context of climate change monitoring.

The proposals were officially approved by COM-ITU and submitted to the aforementioned events. The proposed new WTSA resolution was mentioned in the final minutes of the Assembly and the proposed amendments were successful in their objectives.

- **Internet Governance Forum (IGF)**

ANACOM participated in the organisation of the 9th Portuguese Internet Governance Forum Initiative (PIGFI), which took place on 3 November under the slogan “All connected. A safe, resilient and sustainable Internet.” In addition to ANACOM, FCT, NCSC, o. PT, DECO and CGI.br were co-organisers of the event.

This year, the event specifically focused on issues of connectivity and the protection of human rights, on trust, security and sustainability, on emerging technologies, such as artificial intelligence, and also on the outlook for the Portuguese language in the digital age.

As a co-organiser, ANACOM was responsible for the session “The challenge of connectivity,” which discussed the importance of connectivity in terms of territorial cohesion, economic development in general, and for accessing public services, such as health and justice.

This event resulted in national messages for the IGF, held in Addis Ababa, between 28 November and 2 December, in which ANACOM also participated.

- **North Atlantic Treaty Organisation (NATO)**

ANACOM participated in two meetings of the NATO Consultation, Command and Control Board (C3B) and Civil/Military Spectrum Capability Panel (CaP3) group, which aims to provide sufficient spectral resources to:

- Ensure that NATO military forces have adequate access to spectrum to carry out their missions;
- Harmonise the military use of radio frequencies among NATO allies; and

- And cooperate with the EAPC/PfP countries with a view to using the radio spectrum in an identical manner.

In 2022, debate continued as part of the preparatory work for the next WRC-23, with the review of positions to be defended by NATO at the World Conference, scheduled for the period from 20 November to 15 December 2023.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

**INSTITUTIONAL AND
TECHNICAL CO-OPERATION**

17. INSTITUTIONAL AND TECHNICAL CO-OPERATION

17.1. Bilateral co-operation at international level

- **Bilateral co-operation**

Bilateral co-operation with the *Comisión Nacional de los Mercados y la Competencia* (CNCM)

Under co-operation with the CNMC, the Spanish industry regulator, a bilateral meeting took place between 16 and 17 May, at the ANACOM delegation in Porto. Of the subjects under discussion, the following were of particular importance: developments in the market and recent regulatory activity, access to physical infrastructure, the future of regulation, international connectivity, and international matters of common interest.

Bilateral co-operation with Angola (INACOM)

As part of the Bilateral Co-operation Agreement between ANACOM and INACOM, in May, ANACOM hosted the institutional visit of the President of the Management Board of INACOM, which resulted, in July, in an exchange of experiences remotely on sharing electronic communications infrastructure.

Bilateral co-operation with the National Telecommunications Agency of Brazil (ANATEL)

Bilateral relations between ANACOM and ANATEL have always been very close and convergent. In 2022, this proximity took the form of four instances of experience sharing. The first, at the beginning of the year, consisted of a bilateral meeting between the two regulators to define the resumption of co-operation after the pandemic period. There were also two instances, also in remote format, to exchange experiences on the monitoring of the quality of the MTS - the first, in July, in which ANACOM shared its experience, and the second in October, when ANATEL demonstrated its procedures and results in this connection.

At the institutional level, ANACOM received a visit from ANATEL Directors, with an agenda dedicated to learning about best practices in combating the proliferation of webpages that improperly provide services for downloading or streaming content protected by copyright.

Bilateral co-operation with the Multisectoral Regulatory Agency for the Economy (ARME)

Bilateral co-operation relations between ANACOM and its Cape Verdean counterpart date back to the 1990s and are, today, framed under a Co-operation Agreement signed in 2019. In 2022, ANACOM and ARME signed two Addenda to the Agreement, as a result of the intensification of relations between them. The first Addendum was signed in April, on the sidelines of the XIV General Assembly of ARCTEL-CPLP, to enshrine the assignment, by ANACOM, of the Radio Task Mobile software and the necessary training for ARME technicians on this technology, including software updates. The second Addendum was signed in November, on the occasion of the institutional visit of the President of the Management Board of ARME, Leonilde Santos, with the purpose of enhancing the regularity of bilateral co-operation between the two regulators, particularly with regard to the availability and demonstration of operation of radio spectrum measurement equipment. Thus, it was decided that this type of mission should occur annually.

At a technical level, and in fulfilment of the agreement between the two regulators, ANACOM carried out a mission to Cape Verde, in October, to provide the Radio Task Mobile tool and respective operational training.

Two online actions with the ARME should also be noted - a workshop on “Introduction of the ITED ITUR Module in Vocational Schools” (February) and a meeting on costing models (October) – as well as institutional visits by ARME to ANACOM in June and in November.

Bilateral co-operation with the National Regulatory Authority for Information and Communication Technology of Guinea-Bissau (ARN-TIC)

Bilateral co-operation relations between ANACOM and the NRA are governed by the Co-operation Agreement in force, which dates from 2018.

In February 2022, an institutional meeting was held between the Chairmen of the Management Board of ANACOM and the NRA, in which the NRA requested the collaboration of ANACOM to carry out a technical audit of telecommunications operators in Guinea-Bissau, specifically in designing the respective methodology, approach and legal grounds.

Additionally, ANACOM promoted two technical training actions with the NRA; one in May on statistics and price regulation, and another, in October, on security and legal matters.

Bilateral co-operation with the National Institute of Communications of Mozambique (INCM)

ANACOM and INCM have a Bilateral Co-operation Agreement in force, which governs relations between the two regulators. In January, during a remote meeting, the alignment of the co-operation action plan for 2022 was defined and, on 14 February, at a high-level meeting held remotely, strategy, governance and models for restructuring the regulator were discussed. Also at the institutional level, reference should be made to the visit by the INCM Directors to ANACOM, in October, with the main objective of learning about ANACOM's experience in three areas - the organisation and management of people, the management and inspection of the spectrum and the universal service - and the participation of the Chairman of the Management Board of ANACOM in the IV National Conference on Telecommunications and associated commemorations of the 30th anniversary of the INCM, in August 2022.

In terms of co-operation and technical training, in February, ANACOM hosted, in Barcarena, a delegation from the INCM for a practical session on supervision of the radio spectrum. In March, it organised a training course on consumer protection, organisational structure and communication, market regulation and supervision and inspection, in which seven technicians from the INCM participated. In April, a new training course, this time on international representation, communication, financial matters and planning, brought a delegation of six INCM technicians to Lisbon. In May, ANACOM organised a new programme on statistics and market regulation for two INCM technicians and, in October, another INCM technician visited ANACOM and received training on security matters. Finally, in November, a delegation of 6 INCM technicians benefited from a technical exchange under the ambit of spectrum monitoring, MMS, AMS and Amateur Radio and Broadcasting, Notification and Coordination organised by ANACOM, in Lisbon and Porto.

ANACOM also carried out two missions to Mozambique, one in July, dedicated to the issue of spectrum monitoring, and, following this, a second, in November, detailing the use of equipment and inspection procedures.

Bilateral co-operation with the Autoridade Nacional de Comunicações (ANC) of Timor-Leste

On 21 April 2022, the Chairman of the Management Board of ANACOM and the President of the ANC of Timor-Leste signed a Co-operation Agreement with the objective of establishing training initiatives on the various matters of regulation in the sector, with priority given to spectrum management and market regulation.

This training initially took place between 20 and 30 June, during a very comprehensive training session organised by ANACOM, in which five technicians from the ANC got to know a large part of ANACOM's activity, fulfilling, in parallel, an agenda on regulation and the general functioning of the regulator, and a practical agenda on spectrum management and monitoring. On a second occasion, between 6 and 19 October, ANACOM organised a second programme dedicated to the ANC, continuing the work of the first session. The topic this time was cybersecurity, including a study visit to the NCSC. This second part of the co-operation with the ANC was also attended by the President of the ANC.

Bilateral co-operation with the São Tomé and Príncipe Regulatory Agency (AGER)

Bilateral co-operation relations between ANACOM and AGER are governed by the Co-operation Agreement in force, which dates from 2019.

In 2022, a number of training sessions were held on issues related to corporate changes to operators and recruitment procedures, with documentation sharing. At the request of AGER, a videoconference session was held on the renewal of the contract with the broadcaster Voice of America. At the request of the AGER, ANACOM ensured its representation in ITU elections, at the PP-22.

Bilateral co-operation with Japan

Over the course of 2022, ANACOM developed contacts with the Ministry of Internal Affairs and Communications of Japan (MIC), with a view to signing a bilateral Memorandum of Co-operation, taking into account matters of common interest between the two bodies responsible for regulating communications, namely digitisation, data and the digital economy (5G and 6G), cybersecurity, connectivity and co-operation in the field of artificial intelligence (including smart cables), and the postal sector. The proposal for the drafting of the Memorandum of Co-operation between ANACOM and the MIC is being finalised, and is expected to be signed in 2023.

Bilateral co-operation with Kosovo

Between 27 and 28 October 2022, ANACOM received a visit from the Regulator of Kosovo – ARKEP, addressing topics related to broadband mapping, the Single Information Point, indicators associated with broadband, the broadband cost reduction directive (BCRD), the regime associated with the sharing of infrastructure, the conflict resolution mechanism, the BCO, quality of service and the tests carried out by ANACOM in the field, among other aspects.

17.2. Multilateral co-operation at international level

- **Exchange Meeting of Portuguese Language Communications Authorities (RIA)**

The 11th RIA took place between the 24 and 26 May, in Vilanculos, Mozambique. This multilateral initiative has established itself as the main forum for the regulatory authorities for Portuguese-speaking communications, and has brought together the countries of the Community of Portuguese Speaking Countries (CPLP). Previous meetings have resulted in significant bilateral developments, which have taken the form of co-operation agreements focusing on various topics falling within the scope of the mission of the Directorate-General of Supervision (DGS), namely the monitoring, supervision and inspection of the market, infrastructures and the radio spectrum.

In the 2022 meeting, dedicated to the theme “Rational Spectrum Management as an Instrument for Promoting Quality of Service”, the ANACOM delegation presented the

experience acquired and the most recent advances made by ANACOM on the following issues:

- Session 1: “Radio Spectrum Monitoring System (SMC)”;
- Session 2: “Telecommunications Quality of Service Assessment System”; and
- Session 4: “ICT Infrastructure and Network Security, Cybersecurity and Telecommunications Resilience”.

ANACOM’s presentations, in Sessions 1 and 2, were dedicated to the most recent technological advances with its own development in the area of Spectrum Supervision, namely:

- Integral monitoring with the “Spectrum Signature” station, which provides a comprehensive overview and general understanding of the use of the radio spectrum in the 20 MHz to 6GHz band;
- Distributed monitoring using beams in extremely high frequency waves; and
- “Quality of Experience” (QoE) measurement system on mobile networks using the RadioTaskMobile (RTM) system integrating Net.Mede.

In addition to the RTM, the results of tests carried out to assess the quality of experience with the Starlink system were also presented. The recent advances made in terms of laboratories and anechoic chambers, in Barcarena, also deserve special mention. In addition to radio spectrum management and quality of service, telecommunications security was also addressed as it is recognised as a challenge for CPLP regulators.

The solutions presented by ANACOM were seen as particularly effective and innovative, and having a reduced need for investment, they were deemed especially relevant for large territories and/or those with a high degree of geographical dispersion.

17.3. Co-operation at national level

- **Assembly of the Republic**

Under the provisions of ANACOM's Statutes, as approved by Decree-Law 39/2015, of 16 March, whenever requested, the members of the management Board of ANACOM must appear before the competent parliamentary committee to provide information or clarifications on its activities (Article 49(2)), just as ANACOM must carry out advisory functions with the Assembly of the Republic, at its request, in the field of communications [Article 8(2)(a)]. In 2022, ANACOM provided all information to the Assembly of the Republic and, whenever requested, attended parliamentary hearings to provide clarifications and all information deemed necessary to the deputies.

Over the course of the year, ANACOM visited the Assembly of the Republic four times. On the first occasion, on 5 July, ANACOM provided clarifications to the Electronic Communications Working Group of the Economy, Public Works, Planning and Housing Commission (CEOPPH), under the ambit of the discussion of Draft Law 6/XV /1 - "Approves the Electronic Communications Law and transposes Directive (EU) 2018/1972, which establishes the European Electronic Communications Code". On 6 July, it was at the CEOPPH to present a situation report for activities carried out in 2021 and to present ANACOM's activity plan for 2022 (pursuant to Article 49(1) and (3) of the [Framework Law for Independent Administrative Entities](#)).

This was followed, on 21 September, by a parliamentary hearing arranged by the CEOPPH to provide clarification on the replacement of the submarine cable that connects the Continental Portugal, the Azores and Madeira (CAM Ring) and, finally, on 22 September, it was the turn of the parliamentary hearing arranged by the Metadata Working Group, under the Commission on Constitutional Affairs, Rights, Freedoms and Guarantees. The aim was to provide clarification on access to metadata, for the purposes of criminal investigation and within the scope of the new assessment in general of Government Bills 70/XV/1 (PSD), 79/XV/1 (CH), 100/XV/1 (PCP) and Government Bill 11/XV/1 (GOV).

It should also be noted that, in October 2022, at the request of the Economy, Public Works, Planning and Housing Commission, ANACOM analysed and issued an opinion on Government Bill 30/XV/1 (GOV), which completes the transposition of Directive (EU) 2019/2161 on consumer protection.

Lastly, and at the request of the Committee on Culture, Communication, Youth and Sport of the Assembly of the Republic, ANACOM presented a document with its contribution to the Parliamentary Conference “Copyright and Related Rights in the Digital Era.”

- **Local authorities**

Co-operation and awareness-raising among local authorities on issues associated with the implementation of electronic communications networks

By communication of 04.11.2022, ANACOM sent the Office of the then SEAC a final report on the initiatives undertaken by the Authority, with the aim of raising awareness among local authorities and service providers of developments relating to 5G networks.

Thus, over the course of 2022, ANACOM held another cycle of meetings involving (i) operators who were awarded RUF under the ambit of the 5G auction; (ii) installation companies; and (iii) the municipalities. These actions took place between 05.04.2022 and 23.06.2022.

In the meetings held with the municipalities, the following topics were addressed:

- Coverage of mobile networks and installation of 5G stations;
- The municipal authorisation system;
- Aspects relating to the deployment of electronic communications networks and respective infrastructures;
- Technical solutions for removing or housing existing cables on facades.

As noted in the previous regulation report, ANACOM has been developing a set of actions to clarify and raise awareness among local authorities regarding the development of the electronic communications sector, in particular 5G networks, in particular with regard to the installation and management of suitable infrastructure.

These initiatives fall within the scope of the 13th strategic action of the Multiannual Activity Plan for 2020-2022 and are in line with that which was requested by the Government of ANACOM, in Resolution of the Council of Ministers 7-A/2020, of 7 February, which approves the strategy and timetable for the distribution of the fifth generation of mobile communications, in order to carry out the "...development of(...) initiatives [(...)] that contribute towards [(...)] raising awareness among the local authorities and service providers of developments related to 5G networks and the harmonisation of procedures

[and to] (...) [i] encourage a reduction in base station installation fees and their harmonisation at national level” (see paragraph 12 of the aforementioned Resolution).

- **Competition Authority (AdC)**

By decision of 20.12.2022, ANACOM approved an opinion on the merger operation consisting in the acquisition by VODAFONE of exclusive control over Cabonitel⁸⁵ which, in turn, fully owns NOWO, following a request addressed to it by the AdC, pursuant to Article 55(1) of Law 19/2012, of 8 May (Competition Law, in its current wording).

Having, from the outset, demonstrated that the issuance of the requested opinion would not jeopardise the exercise, by ANACOM, of the powers entrusted to it, the Authority concluded that the nature and scale of the potential negative effects resulting from the reported concentration, which it describes in its opinion, was relevant enough to warrant an in-depth assessment by the AdC. In particular, ANACOM noted that, with the information at its disposal, it could not rule out the possibility that the concentration as notified would result in significant harm to users of electronic communications services, to levels of investment and innovation in the sector and to the national economy.

In this connection, ANACOM highlighted the need for the potential approval of the merger to be accompanied by commitments aimed at eradicating such concerns, which should include the return of at least the NOWO spectrum that VODAFONE could not bid on in the 2021 auction and the assumption of the obligations by which VODAFONE would be bound, if it had acquired 100 MHz of spectrum in the 3.6 GHz band in the said auction. Some kind of commitment associated with the fixed network may also be justified in order to avoid a reduction in capacity in the market.

When issuing its opinion, ANACOM took into account the concerns identified, among others, in the EC Guidelines on horizontal and non-horizontal concentrations in the assessment of risks and possible impacts of the operation on the electronic communications markets and considered specific concerns of a sectoral nature, namely those relating to the proper management of the radio frequency spectrum and numbering, those relating to territorial cohesion and the protection of the interests of users of electronic communications

⁸⁵ See <https://www.anacom.pt/render.jsp?contentId=1735447>.

services, as well as those relating to the adequate and harmonious development of electronic communications networks and services in the country.

Also, during 2022, following requests from the AdC, ANACOM prepared and sent to that Authority opinions on the following concentrations:

- Acquisition, by CLNX Portugal from PT Portugal SGPS, of a set of assets from MEO's current passive infrastructure⁸⁶;
- Acquisition by MÁSMÓVIL Ibercom, SA (MÁSMÓVIL), of exclusive control over CABONITEL, SA (CABONITEL) and, indirectly, its subsidiary NOWO, a company incorporated under Portuguese law, through the acquisition of 51.01% of the share capital (transition from joint control to sole control)⁸⁷;
- Acquisition, by Bauer Media Audio, of sole control of MCR II – Media Capital Rádios, through the direct acquisition of the entire share capital⁸⁸;
- Acquisition, by ON Tower Portugal, of a small collection of macro-sites from NOS Technology – Conceção, Construção e Gestão de Redes de Comunicações⁸⁹;
- Acquisition, by Ardian Buyout Fund VII B, SLP, of sole control of Venega Investments, SL and its subsidiaries (“Grupo Aire”)⁹⁰;
- Acquisition by FastFiber – Infraestruturas de Comunicações, SA (FastFiber), of sole control of Fibroglobal – Comunicações Eletrónicas, SA (Fibroglobal)⁹¹;
- Acquisition, by Sonae, SGPS, SA, of sole control over NOS, SGPS, SA and, indirectly, over NOS⁹².

⁸⁶ ANACOM decision dated 11.01.2022.

⁸⁷ ANACOM decision dated 01.02.2022.

⁸⁸ ANACOM decision dated 03.03.2022.

⁸⁹ ANACOM decision dated 22.06.2022.

⁹⁰ ANACOM decision dated 20.07.2022.

⁹¹ ANACOM decision dated 02.08.2022.

⁹² ANACOM decision dated 29.11.2022.

Pursuant to Article 55(1) of the Competition Law, the opinions issued refer to the above concentration operations, as notified to the AdC, and assess their impact on the electronic communications market.

- **Directorate-General for the Consumer (DGC)**

In response to requests received from the DGC, ANACOM presented contributions under the ambit of the drafting of the Ordinance that regulated the functionalities of the platform for termination of contracts for the provision of electronic communications services, as referred to in Article 138(6) of the ECL.

- **Statistics Portugal (INE)**

On 7 July 2022, ANACOM and the INE signed a [Co-operation Agreement](#), which includes the exchange of information relevant to the communications sector. Within the scope of this collaboration, INE made available a georeferenced database of buildings, open to use by operators, and ANACOM undertook to update the geographic data whenever relevant information became available, and to share statistical information relating to the sector relevant to the INE's activity.

The provision of this database by INE represents a unique opportunity for the sector, with potential gains in terms of operational efficiency.

- **Other entities**

Under the ambit of the process of accessing information regarding eligibility conditions for attributing the social tariff for the provision of broadband internet access service, ANACOM cooperated with the Administrative Modernisation Agency – AMA, the Tax and Customs Authority – AT, the Institute of Informatics, the Social Security Institute, the Social Security Institute of Madeira and the Social Security Institute of the Azores.

Various co-operation agreements were also signed, namely with the INE, PISA and NCSC.

With the aim of ensuring the efficient and effective operation of the alternative dispute resolution network, in 2022, ANACOM maintained close co-operation with the DGC, the Municipal Consumer Information Centres (MCIC) and the Consumer Arbitration Centres (CACC).

At the Portuguese Communications Foundation, and as a founder, ANACOM continued its active participation in all its activities.

- ***Regulation X***

Two years after the creation of *Regulation X*, by ANACOM, the Insurance and Pension Fund Supervisory Authority (IPS), the Securities and Exchange Commission (CMVM) and the AdC, a network for exchanging information and experiences between regulatory entities with the aim of improving individual operations and the quality of services provided, it already has 12 NRA and 5 very active groups - Internal Auditing, Cybersecurity, Consumer, Human Resources and Information Systems & Information Technologies - and 4 others are now taking their first steps - Acquisitions, Data Protection Officer, Infringements and Finance.



REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

ADVICE TO THE GOVERNMENT

18. ADVICE TO THE GOVERNMENT

18.1. Advice on international affairs

In addition to the assistance provided to the Government in relation to representation of the Portuguese State in international organisations, as dealt with in the preceding chapter, the following actions are worth mentioning:

- **WiFi4EU initiative**

With the calls for proposals all launched under the ambit of this EC Initiative and the respective vouchers having been allocated to the municipalities, in 2022, the implementation phase of the initiative continued. In this connection, on 19 and 20 April 2022, a series of online sessions (webinars) were held on the WiFi4EU initiative aimed at municipalities and installation companies that obtained a WiFi4EU voucher and that still have to finalise the installation of the project. The sessions were organised by HaDEA, the EC agency responsible for implementing the WiFi4EU. In these sessions, information was provided on the status of the initiative, analyses by Member State, as well as best practices in the implementation of WiFi4EU projects, and there was also the opportunity to ask questions.

As in previous years, on the respective website, ANACOM published an updated list of Portuguese municipalities for which the deadline for installing the WiFi4EU network expired in 2022⁹³, based on the list published by the HADEA, and urged municipalities that had not yet completed the installation of the WiFi4EU network to speed up the process, identifying and working with the selected installation company, otherwise they may lose their right to the WiFi4EU voucher. Support was also ensured in resolving doubts or confirming procedures (keeping the email addresses HADEA-CEF-WIFI4EU@ec.europa.eu and wifi4eu@anacom.pt active), both in conjunction with Portuguese municipalities that contacted ANACOM for the purpose, or in conjunction with HADEA.

⁹³ <https://www.anacom.pt/render.jsp?categoryId=407616>.

- **EU legislative projects with relevance to the sector**

Preparation of a correspondence table between the enacting terms of the EECC and those of Law 16/2022, of 16 August, which transposes the aforementioned Directive into national law, approving the new ECL, for the purposes of notification of the EC.

In response to a request from the SEAC Office, ANACOM prepared a correspondence table between the enacting terms of Directive (EU) 2018/1972 of the EP and of the Council, of 11 December, which establishes the EECC, and the enacting terms of Law 16/2022, of 16 August, which transposes the aforementioned Directive into national law, approving the new ECL, for the purposes of its notification, through the Themis platform, to the EC. This correspondence table was based on an internal COCOM document, dated October 2019, with the reference number COCOM19-23, and was prepared by this Authority, notwithstanding the fact that the legal text approved by the Assembly of the Republic does not correspond to the draft transposition presented, in 2020, by ANACOM.

Subsequently, following a meeting held with the EC services, ANACOM also provided some additional clarifications in response to a series of questions raised about the measures adopted for the transposition of some articles of the Code.

Procedure C-449/222 Commission/PT - Non-compliance due to failure to transpose Directive (EU) 2018/1972 of the EP and of the Council, of 11 December 2018, establishing the EECC

In response to a request from the Office of the then SEAC, ANACOM responded to two specific questions posed by the Directorate-General for Economic Activities (DGAE), as part of the preparation of a rejoinder to the reply submitted to the EC under the aforementioned procedure.

18.2. International co-operation

Within the framework of advising the Government and under the ambit of bilateral technical cooperation, ANACOM ensured the collection of information, analysis and, when justified, participation in meetings to support State visits/receptions, including specific responses to requests from various similar entities.

ANACOM contributed towards: the Portugal-Angola Joint Intergovernmental Commission meeting, the preparation of the 5th Mozambique-Portugal Summit, the draft Conclusions of the XIII Luso-Spanish Commission for Cross-Border Co-operation, the draft co-operation agreement between Portugal and Israel in the areas of telecommunications, mail and information technologies, and the XXVII Ibero-American Summit.

Responding to a request from the Camões Institute, information was collected and sent on development financing activities carried out by ANACOM.

18.3. Advising the Government at national level

- **Public tender to be carried out for the deployment of very high capacity networks and an information platform on the coverage of fixed and mobile networks**

ANACOM participated in the Connectivity WG to implement Council of Ministers Resolution 139/2022, of 28 December, which approves the National Strategy for Connectivity in Very High Capacity Electronic Communications Networks 2023-2030.

Pursuant to Dispatch 10987/2021, of 21 October, published on 10.11.2021 in the 2nd series of the *Diário da República*, the Government instructed ANACOM to collect:

- Updated information on the coverage of very high capacity public electronic communications networks existing in the national territory;
- Information on the forecast geographic coverage of new very high capacity networks, including information on any company's one-year investment plans for the deployment of broadband networks, including very high capacity networks, or the upgrading of broadband networks of at least 100 Mbps.

ANACOM was also tasked with drawing up proposals for terms of reference relating to tender procedures to be carried out by the Government in this connection.

Based on that information, a first mapping of existing very high capacity fixed networks was carried out, with the preliminary identification of "white spots" based on the percentage of coverage of the aforementioned networks by statistical subsection, supported by the information obtained from the operators of public electronic communications networks.

In this connection, also at the request of the Government, on 6 January 2022, a first public consultation was launched on the coverage of very high capacity public electronic communications networks within the national territory and on the options regarding the installation, management, operation and maintenance of these networks through public funding, namely from the EU, in the “white spots”.

Following this preliminary consultation, the mapping previously carried out was updated, including the survey of the coverage of very high capacity networks with building-level granularity (“building by building”). This update was based on information collected from the operators, as well as from the respective investment plans covering a period of three years, in accordance with State aid rules, including the results of the proposed revision of the EC Communication on Guidelines on State aid in favour of broadband networks (the EC proposal was subject to a public consultation that ran in parallel with the consultation initially carried out by ANACOM).

On 18.10.2022, ANACOM forwarded to the Government the updated mapping and preliminary designation of the “white spots”, as well as a revised version of the components of the tender procedure to be carried out for the installation, management, operation and maintenance of very high capacity electronic communications networks in geographic areas of the national territory where there is no coverage by the said networks (“white spots”).

In the meantime, after that mapping had been carried out, on 27 October 2022, at the request of the Government, a [second public consultation was launched on the implementation of very high capacity public electronic communications networks in the “white spots”](#), with recourse to public funding, specifically from the EU. This consultation, which ran until 12.12.2022 focused on (i) the methodology used to define the “white spots;” (ii) the public tender programme; and (iii) the Tender Specifications for the said tender.

On 29.08.2022, ANACOM assessed the comments sent to it by the Government and the proposed amendments to the draft ordinance, prepared by this Authority, regarding the technical specifications of the information to be uploaded by operators to the platform regarding the coverage of fixed and mobile electronic communications networks provided for in Decree-Law 40/2022, of 6 June. Once the analysis was completed, ANACOM sent the Government a revised version of the said draft Ordinance, having carried out a remapping process, with a revised and optimised methodology, resulting in a redefinition of the ‘target areas’.

On 22.12.2022, following a request from the Government, ANACOM proceeded to evaluate the pronouncements received under the ambit of the hearing of interested parties to which the draft Ordinance was submitted, having proposed some amendments to it.

- **Decree-Law 40/2022, of 6 June, which defines the rules for creating the map of coverage of the electronic communications networks**

In 2022, ANACOM prepared the draft Ordinance that establishes the technical specifications of the information to be uploaded to an online platform and the information to be transmitted by operators of electronic communications networks, as provided for in Decree-Law 40/2022, of 6 June (hereinafter Decree-Law 40/2022).

Decree-Law 40/2022 establishes the general rules applicable to the implementation of an information platform on the coverage of fixed and mobile networks of companies offering public electronic communications networks, hereinafter referred to as “operators of electronic communications networks”, in the national territory.

The provisions of this law are in line with the provisions of Article 22 of the EECC, meanwhile transposed into Articles 173 to 176 of the ECL, which provide for the carrying out of a geographical survey on the coverage of fixed and mobile broadband electronic communications networks. Thus, the information to be made available through the platform provided for in Decree-Law 40/2022, of 6 June, has the following specific objectives: (i) to inform end-users of the coverage and availability of connectivity in different areas of the national territory, with a degree of detail that, among other features, is useful to support their choice of company that offers them electronic communications networks and services, and (ii) to substantiate the potential need to allocate public funds (national or from the EU) for the roll-out of electronic communications networks, and (iii) to draw up national broadband plans.

In part, this Decree-Law stems from the Government Programme, the Action Plan for Digital Transition, which, among other things, aims to catalyse digital transition, for which the issue of electronic communications infrastructure is fundamental. Additionally, it allows decision-making regarding leveraged investments in European financing instruments.

According to the same Decree-Law, it is incumbent upon ANACOM to make the aforementioned platform available, with up-to-date information on the coverage of fixed and mobile electronic communications networks in the national territory, enabling verification of

the availability of voice and Internet access services, and, in the case of the mobile network, SMS and MMS services.

The platform will include information on the coverage of fixed networks for the broadband service, with address resolution and an indication of the technologies and speeds available, coverage of mobile networks for voice, SMS and MMS services and for Internet access services, with a resolution of 100 by 100 m and indication of the technologies and speeds available, coverage of fixed networks for voice service and narrowband Internet access, with address resolution and indication of the technologies and speeds available, representation of the complete route of the transport network and access network, including the capacity of the section, where applicable, representation of the maritime layout of submarine cables in the national territory, the capacity of the sections and the location of mooring points, and satellite coverage.

The layers of information envisaged in this project will make it possible to enrich the existing collection of georeferenced information on ANACOM's Geospatial Platform, launched at the end of 2022.

- **Universal electronic communications service – SIT**

ANACOM oversaw the process associated with the implementation of the SIT, as described in the chapter on the Universal Service. Thus, under the ambit of advising the Government, ANACOM presented a diagnosis of the factors that may explain the low number of subscribers and presented proposals to better promote this accessible tariff measure aimed at consumers on low incomes or those with special social needs.

- **Provision of the universal postal service**

As the regulatory authority for the communications sector, one of ANACOM's tasks is to assist the Government in defining public policies for the postal sector. Thus, ANACOM has actively participated in the analysis of legislative and regulatory proposals, as well as in the communication of relevant information under the ambit of US provision. Among other actions, ANACOM sent contributions to parliamentary questions related to the postal sector and as required under the Postal Law, communicated the compliance report for the proposal to update the prices of services covered by the US for 2023, as well as the draft decision on that update.

- **Legal regime applicable to the deployment of small-area wireless access points**

By communication of 23.02.2022, ANACOM signalled to the then SEI the need to draw up a draft law for the transposition/execution of the legal regime applicable to the deployment of small-area wireless access points, as defined by Article 57 of the EECC and by Commission Implementing Regulation (EU) 2020/1070 of 20 July 2020) specifying the characteristics of small-area wireless access points (“Implementing Regulation”).

Subsequently, by communication of 23.08.2022, and taking into account the willingness expressed by ANACOM to this effect, the Office of the then SEI asked the Authority to set up a multidisciplinary working group to analyse possible solutions to be implemented in liaison with the governmental areas and entities deemed appropriate. In the same communication, it asked the Authority to present to the Government a proposal for the “transposition/implementation of the aforementioned regime.”

- **Recovery and Resilience Plan - 5G business reception areas**

In response to a request forwarded by the Office of the then SEI, ANACOM provided a series of clarifications to the Office of the Secretary of State for Regional Development on the preliminary programmes of tenders to be carried out under the framework of the Recovery and Resilience Facility, for the creation of business reception areas in some municipalities of the country (with projects approved in the municipalities of Vila Real, Melgaço, Chaves, Oliveira do Hospital, Guarda, Águeda, Rio Maior, Beja, Campo Maior, and Lagos). With this clarification, ANACOM contributed towards the alignment of said programmes with the legislation governing the provision of electronic communications services, seeking to safeguard equal access to said areas by the various service providers.

- **Integrated emergency communications network**

Under the ambit of assisting the Government in the field of communications and, in particular, providing technical support to the bodies and departments responsible for monitoring the process of establishing and managing the integrated emergency communications network [Article 8(2)(b) and (d) of ANACOM's Statutes], in March 2022, ANACOM issued an opinion on two proposals for terms of reference relating to contracting services for the management, maintenance and operation of the ISESNP Network, in response to a request from the Home Office.

- **RUF DTT renewal conditions beyond 2023 and alternative scenarios for the distribution of channels distributed through DTT in the current manner**

On 5 August 2022, the Office of the then SEI asked ANACOM to analyse the communication from MEO, dated 29.07.2022, addressed to the SEI, including the “Memorandum on the DTT project in the period up to 2023” in the context of the renewal of the right of use of frequencies for the Digital Terrestrial Television service (RUF DTT). On 24 August 2022, ANACOM sent a preliminary analysis of said communication from MEO and, on 23.09.2022, the analysis of possible alternative scenarios for the distribution of channels currently distributed through DTT.

- **Analysis of legislative projects**

In response to requests from the Government, ANACOM analysed and issued an opinion on the following legislative projects:

- At the request of the SEI, Government Bill 59/XXIII/2022, which completes the transposition of Directive (EU) 2019/2161 of the EP and of the Council, of 27 November 2019, amending several legal texts related to consumer protection;
- At the request of the Secretary of State for the Presidency of the Council of Ministers, Draft Decree-Law 306/XXIII/2022, which transposes into national law Directive (EU) 2019/882, of the European Parliament and of the Council, of 17 April 2019, on accessibility requirements for products and services;
- At the request of the Office of the SEI, a draft Resolution of the Council of Ministers on the “National Strategy for Connectivity in Very High Capacity Electronic Communications Networks 2023-2030”.
- At the request of the Secretary of State for the Presidency of the Council of Ministers, ANACOM analysed and issued an opinion on the Draft Decree-Law that creates the National Time and Legal Time System;
- At the request of the Office of the then Ministry of Infrastructure and Housing, ANACOM gave its opinion on the projects that make up the legislative package on the Single Market Emergency Instrument, involving, in particular, the analysis of a draft Regulation that creates a Single Market Emergency Instrument (SMEI),

revoking and replacing the previous Regulation on the functioning of the internal market in relation to the free movement of goods between Member States, as well as a draft Directive that introduces an amendment to Directive 2014/30/EU (electromagnetic compatibility) and Directive 2014/53/EU (RED Directive), intended to amend others that are currently in force, with the purpose of introducing emergency procedures for the assessment of conformity, the adoption of common specifications and market surveillance in the context of an emergency in the single market;

- At the request of the Office of the SEI, ANACOM gave its opinion on the Government bill adapting national law to Regulation (EU) 2021/784 of the EP and of the Council on combating the dissemination of terrorist content online, the which aims to establish uniform rules to combat the misuse of virtual hosting services for the purpose of disseminating terrorist content online to the public and imposes due diligence requirements on providers of virtual hosting services to combat the dissemination of terrorist content to the public, ensuring, where necessary, the removal of content;
- By communication of 19 October 2022, ANACOM responded to the then Office of the SEI regarding a series of questions posed by the Technical Unit for Legislative Impact Assessment under the ambit of the Government's legislative procedure regarding the proposed amendment to Decree-Law 57/2017, of 9 June, which transposes the RED Directive into national law;
- ANACOM, within the scope of its supporting powers and (i) following the decision of 6 April 2022 on the proposal presented by MEO to remedy the lack of coverage of the DTT service, by land, in the town of Baião, São Marcos da Serra, municipality of Silves; (ii) considering the time elapsed since MEO presented its estimate of costs associated with the DTT network migration process, in compliance with the decision of 04.10.2019; (iii) as well as the end of the migration process (December 2020), approved and sent to the Cabinet of the then SEI a preliminary draft of the Ordinance that establishes the conditions and general criteria for compensation to holders of DTT service network licences and network of auxiliary applications for broadcasting and programme production - SAB/SAP (audio connections), operating in the 700

MHz band, for the charges resulting from the release of radio channels and frequencies assigned to them, as well as the respective assignment procedures.

- The Government initiated the regulatory procedure regarding the above ordinance on the ConsultaLEX platform, informing ANACOM of this fact by notification sent on 10 October 2022, in which it also asked ANACOM to publicise the start of the procedure on the respective website, which ANACOM did. This consultation ran until 31.10.2022.
- By communication dated 22 December 2022, the then SEI asked ANACOM to assess whether the pronouncement from MEO, received under the ambit of said procedure, warranted changes to the draft Ordinance. By decision of 7 March 2023, ANACOM approved the duly amended draft Ordinance and submitted it to the Minister of Infrastructure.
- By Order 3898/2021, of 19 April, an inter-ministerial working group was created, coordinated by the governmental area for Labour, Solidarity and Social Security, through the Office of the Secretary of State for the Inclusion of People with Disabilities, in which ANACOM participates, with the specific aim of ensuring the transposition of Directive (EU) 2019/882 on accessibility requirements for products and services. In 2022, ANACOM sent contributions on the draft legal text within the working group in relation to the electronic communications sector, and on 6 December 2022, Decree-Law 82/2022 was published, transposing the aforementioned directive.
- **Legal representation**

In 2022, ANACOM provided support to the Government, under the ambit of legal representation, in the following arbitration disputes:

- Challenge to SEAC Order 71/SEAC/2021, through which a contractual penalty of 200,000.00 (two hundred thousand euros) was imposed on MEO for non-performance of the Universal Service Contract for the Provision of Public Payphones, concluded between the Portuguese State and MEO on 20.02.2014;
- Challenge to SEAC Order 70/SEAC/2021, through which a contractual penalty of 7,000.00 (seven thousand euros) was imposed on MEO for non-performance of the

Universal Service Contract for the Provision of a Complete Telephone Directory and a Complete Directory Enquiries Service, concluded between the Portuguese State and MEO on 20.02.2014;

- Objection to SEI Order 74, of 04.08.2022, through which eleven contractual fines were imposed on the company CTT amounting to 753,000.00 (seven hundred and fifty thousand euros) for non-performance of the Universal Postal Service Concession Contract, concluded between the Portuguese State and CTT, on 01.09.2000.

REGULATION, SUPERVISION AND OTHER ACTIVITIES 2022

LITIGATION

19. LITIGATION

In 2022, as usual, ANACOM was engaged in significant activity in the area of Litigation, responding in the new cases for which it was summoned and performing the necessary procedural acts in the cases already in progress, in addition to also intervening in non-contentious actions brought by the companies.

Below are some data relating to the legal proceedings in which it participated and the non-contentious actions processed and decided.

19.1. Legal Proceedings

- **Administrative Litigation**

In 2022, ANACOM intervened in 7 new judicial proceedings of an administrative nature for which it was summoned and oversaw (intervening, whenever deemed necessary or appropriate) in 63 cases that were already in progress. One (1) of the new proceedings is precautionary in nature and the remaining 6 are administrative actions.

In the 7 new main cases, the following are requested:

- Administrative action brought by VODAFONE: a declaration of invalidity or annulment in relation to (i) the determination of the Management Board of ANACOM dated 23 November 2021, in the part which determined, under the respective point 6, the allocation of rights of use of frequencies to the “new entrant” NOWO, and (ii) the decision of the Chairman of the same body dated 30 November 2021, which determined the issuance of a certificate “relating to the rights of use of 2 x 10 MHz in the 1800 MHz frequency band, 2 x 5 MHz in the 2.6 GHz frequency band (FDD) and 40 MHz in the 3.6 GHz frequency band” allocated to NOWO, under the ambit of the 5G Auction.
- Administrative action brought by VODAFONE: a declaration of invalidity or annulment in relation to (i) the determination of the Management Board of ANACOM, dated 23 November 2021, in the part which, under the respective point 3, allocated rights of use of frequencies to the “new entrant” DIXAROBIL Telecom, Sociedade Unipessoal, Lda (DIXAROBIL); (ii) the decision of the Chairman of that body, dated 30 November 2021, which determined the issuance of a certificate “relating to the

rights of use of 2 x 5 MHz in the 1800 MHz frequency band, 2 x 5 MHz in the of 2.6 GHz frequency band (FDD), 25 MHz 4 in the 2.6 GHz frequency band (TDD) and 40 MHz in the 3.6 GHz frequency band” allocated to DIXAROBIL, under the ambit of the 5G Auction; and (iii) the decision of the Chairman of the same body, dated 17 January 2022 – ratified by the Management Board on 18 January 2022 – in which the approval was determined of Endorsement N° 1 to “ANACOM Certificate N° 4/2021” (adding to the exclusive licence for rights of use of frequencies held by DIXAROBIL the conditions applicable to the right of use of 2 x 5 MHz in the 900 MHz frequency band, which were assigned to it for the provision of terrestrial electronic communications services).

- Administrative action filed by NOS: the declaration of invalidity or annulment of the acts of 23 and 30 November 2021, through which, following the Auction governed by Regulation 987-A/2020, of 5 November (Regulation 987-A/2020), ANACOM proceeded to allocate to DIXAROBIL Rights of Use of Frequencies in the 900 MHz, 1800 MHz, 2.6 GHz (FDD), 2.6 GHz (TDD) and 3.6 GHz bands, and the issuance of the respective certificate, as well as failure to apply, indirectly, the rules of that Regulation that establish “discriminatory measures”.
- Administrative action brought by NOS: the declaration of invalidity or annulment of the acts of 23 and 30 November 2021, through which, following the Auction governed by Regulation 987-A/2020, ANACOM proceeded to allocate to NOWO Rights of Use of Frequencies in the 1800 MHz, 2.6 GHz (FDD) and 3.6 GHz bands, and issuance of the respective certificate, as well as failure to apply, indirectly, the rules of the 5G Auction Regulation that establish discriminatory measures.
- Administrative action filed by NOS: the declaration of partial invalidity or partial annulment of the acts of 23 and 26 November 2021, respectively, through which, following the Auction governed by Regulation 987-A/2020, ANACOM allocated to NOS Rights of Use of Frequencies in the 700 MHz, 2.1 GHz and 3.6 GHz bands, and issued the respective certificate, exclusively in the part in which it is required to comply with the obligation to negotiate national roaming agreements, corresponding to the new wording of subdivision b) of paragraph 6, and the addition of a new paragraph 7A, to certificate ICP-ANACOM

N° 01 /2012 (as shown in the respective Endorsement N° 5).

- Administrative action brought by VODAFONE: (i) the declaration of partial invalidity or partial annulment of the determination of the Management Board of ANACOM, dated 23 November 2021, which approved the final Auction Report, and through which VODAFONE was allocated rights of use of frequencies corresponding to the 11 lots it won under the 5G Auction, in the part in which the company is required to comply with illegal coverage and network access obligations; (ii) the partial declaration of invalidity or partial annulment of the decision of the Chairman of the aforementioned body dated 29 November 2021 – in the meantime ratified by the Management Board – in the part in which there is a requirement for the company to comply with the obligations of coverage and network access under the ambit of the rights of use of frequencies that were allocated to it in the Auction and that are stipulated in Endorsement N° 6 to the corresponding certificate; (iii) the ordering of the removal of the coverage and network access obligations (invalidated) from certificate ICP-ANACOM N° 03/2012, which was allocated to it; and (iv) ANACOM to be required to establish new coverage obligations in the aforementioned certificate, *in line with that defined in the 5G RCM*.
- Precautionary procedure filed by NOS: the ordering of a precautionary measure of partial suspension of effectiveness of the acts dated 23 and 26 November 2021, respectively, through which, following the Auction governed by Regulation 987-A /2020, ANACOM proceeded to allocate to NOS rights of use of frequencies in the 700 MHz, 2.1 GHz and 3.6 GHz bands, and issuance of the respective certificate, exclusively in the part in which it is required to comply with the obligation to negotiate national roaming agreements, corresponding to the new wording of subdivision b) of paragraph 6, and the addition of a new paragraph 7A, to certificate ICP-ANACOM N° 01/2012 (as shown in the respective Endorsement N° 5).

During the year in question, 6 judicial proceedings were concluded – one precautionary proceeding, two administrative actions and one subpoena for access to information – more specifically:

- A special administrative action brought by VODAFONE to contest the Determination of the Management Board of ANACOM, dated 30.07.2010, on the request for

intervention presented by the then RADIOMÓVEL Telecomunicações, SA (RADIOMÓVEL) for access to or interconnection of its network related to the provision of the Mobile Shared Resources Service (MSRS) with the networks of the then PT Comunicações, SA (PTC), SONAECOM – Serviços de Comunicações, SA (SONAECOM) and TMN – Telecomunicações Móveis Nacionais, SA (TMN), as well as with that belonging to VODAFONE.

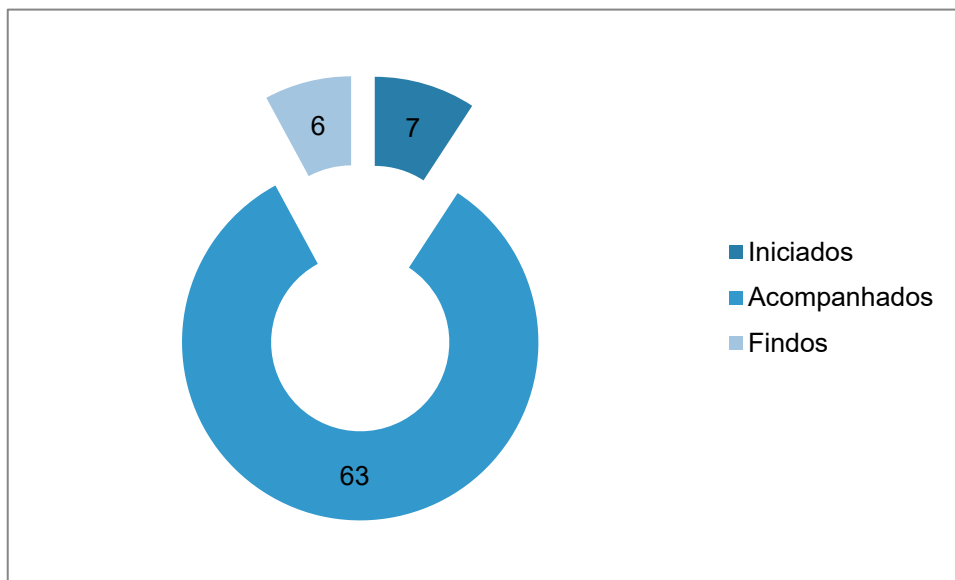
- A precautionary procedure in which VODAFONE requested (i) that ANACOM should be ordered to refrain from recognising or attributing any legal effect to the right of use of frequencies (RUF) granted to Dense Air Portugal, Unipessoal, Lda (DENSE AIR), until a final decision has been issued on the main action, and to withdraw immediately all effects of that subpoena, specifically, within the framework of the Auction Regulation for the Assignment of Rights of Use of Frequencies in the bands of 700 MHz, 900 MHz, 1800 MHz, 2.1 GHz, 2.6 GHz and 3.6 GHz, removing all conditions and restrictions that affect lots in categories H and I of the 3.6GHz band; and (ii) that the judgment of the main action should be brought forward, pursuant to Article 121 of the CPTA.
- A special administrative action brought by the then TMN (current MEO), requesting the annulment of the Management Board’s decision dated 17.01.2008 on the “Rights of use of frequencies in the 450-470 MHz band”.
- Proceedings for enforcement of the administrative act reversal filed by AMBISIG – Ambiente e Sistemas de Informação Geográfica SA (AMBISIG), under which judicial enforcement of the judgment handed down by the Supreme Administrative Court on 30.01.2013 was requested.
- A pre-contractual litigation proceeding, in which ANO – Sistemas de Informática e Serviços, Lda (ANO) lodged several requests, all related to the public tender for the provision and operation of an electronic auction platform to support the procedure for assigning rights of use of frequencies, specifically: (i) the revocation, due to invalidity, of the award to Ubiwhere, Lda; (ii) the acceptance of the Plaintiff’s bid; (iii) the reordering of the bids in accordance with “correct admission and evaluation” procedures, with ANO’s bid now being evaluated and classified in 1st place; (iv) that any contract awarded should be considered void; (v) the automatic suspension of the effectiveness of the award of contract; and (vi) the suspension of the

performance of any contract awarded.

- A special administrative action, brought by VODAFONE, under which the annulment of the Determination dated 18.12.2003 (concerning the Inclusion of personal data pertaining to subscribers in telephone directories and information services under the ambit of the universal telecommunications service) was requested.

The following chart illustrates the aforementioned activity:

Chart 35 – Judicial proceedings

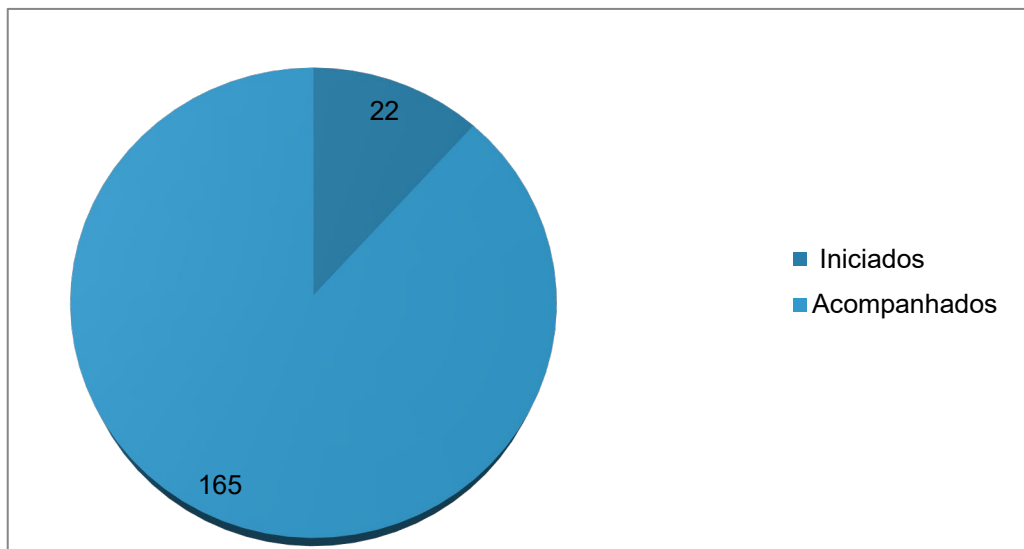


Source: ANACOM

- **Tax Litigation**

In terms of tax litigation, ANACOM intervened in 22 new Procedures: 1 infringement notice and 21 concerning challenges to notices of assessment. In that year, ANACOM also monitored 165 procedures that were already pending and 3 procedures were considered completed (1 procedure involving the judicial challenge of fees, 1 procedure involving opposition to tax enforcement and 1 procedure for tax enforcement).

The chart below reflects the data indicated above:

Chart 36 – Tax litigation procedures

Source: ANACOM

The 21 new procedures concerning challenges to the settlement of fees (due for carrying out the activity of provider of electronic communications networks and services and for carrying out the activity of provider of postal services) were filed by the following companies:

- DPD Portugal – Transporte Expresso, SA (4 procedures);
- ONITELECOM – Infocomunicações, SA (ONITELECOM) (2 procedures);
- NOWO (1 procedure);
- NOS Madeira – Comunicações, SA (1 procedure);
- NOS Açores – Comunicações, SA (1 procedure);
- NOS Wholesale, SA (1 procedure);
- VODAFONE (1 procedure);
- NOS (1 procedure);
- DHL Express Portugal Lda (1 procedure);
- General Logistics Systems Portugal, Lda (1 procedure);

- TNT Express Worldwide (Portugal), Transitários, Transportes e Serviços Complementares, Unipessoal, Lda (1 procedure);
- IBASIS Portugal, SA (1 procedure);
- ALFAPRATA – Gestão de Soluções Integradas de Transporte, Lda (1 procedure);
- CEP – Assessoria Ibérica de Logística e Transporte, SA (1 procedure);
- CEP II – Correos Express Portugal, SA (1 procedure);
- B-Connected, Lda (B-CONNECTED) (1 procedure); and
- DENSE AIR (1 procedure).

Of the 165 procedures that were monitored throughout 2022, 129 procedures objecting to notices of assessment and 21 processes objecting to the extraordinary contribution to the Universal Service Compensation Fund (USCF) deserve special mention.

- **Civil Litigation**

Under the ambit of civil litigation, in 2022, ANACOM intervened in 9 new proceedings (8 insolvency proceedings and 1 special company revitalisation procedure) and monitored and intervened, where necessary, in 52 cases. That year, 11 civil cases were concluded.

Chart 37 – Civil litigation proceedings



Source: ANACOM

19.2. Non-contentious actions

In 2022, 4 objections to tax assessments and 2 requests for official review were filed, all of them related to tax.

DACHSER Portugal, IBASIS Portugal, NOWO, ONITELECOM, B-CONNECTED and DENSE AIR filed the aforementioned objections.

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2022



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