



Activities Report 2008

FREE FLOWING COMMUNICATIONS

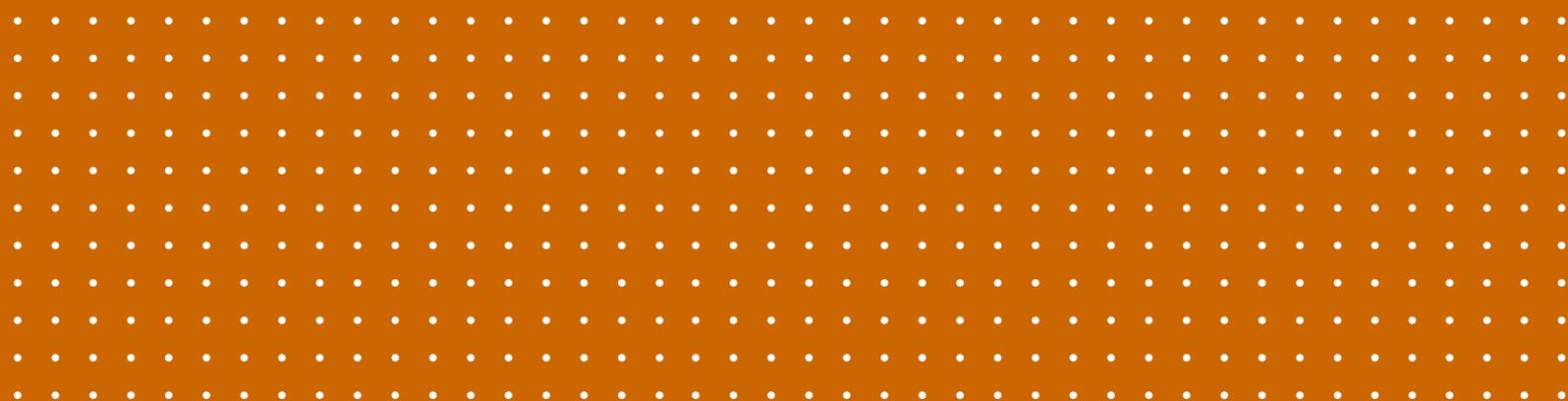
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00.

Introduction



● Introduction

The Activities Report is published by ICP-ANACOM on an annual basis, whereas it is incumbent upon the Advisory Council - pursuant to Article 37 of the annex to Decree-Law no. 309/2001 of 7 December - to provide an opinion on the report.

This present document describes the main activities undertaken during 2008 and is structured as follows:

Chapter 1 refers to the main regulatory measures taken in respect of electronic communications and postal services, both in terms of pricing and conditions of provision, and in terms of analysis of markets, universal service and numbering, portability and pre-selection, as well as regulatory decisions involving the radio spectrum, specifically frequency usage rights and radio licencing.

Chapter 2 covers supervision activities:

i) monitoring, which includes the actions undertaken in respect of the quality of the services provided by the operators and providers of electronic communications and postal services, monitoring and control of the radio spectrum and, in addition, other activities whose oversight in 2008 was particularly relevant, as was the case of the oversight of enforcement of Regulation (EC) no. 717/2007 of 27 June 2007 on roaming on public mobile networks; ii) the monitoring of developments in wholesale and retail prices with respect to portability and of the obligations established under the Portability Regulation to provide consumers with information; iii) the resolution of conflicts between operators; iv) inspection and enforcement activities with respect to electronic communications, postal services, the equipment market and telecommunications infrastructure in buildings (ITED); v) litigation and breach proceedings.

Chapter 3 describes ICP-ANACOM's international activities, in 3 separate parts: i) in representation of the Portuguese State, whereby ICP-ANACOM is mandated to represent the Portuguese State in line with its remit with respect to the communications sector; ii) in the performance of its duties and powers, ICP-ANACOM participates in international and community *fora*, in particular with regard to the necessary development and implementation of market regulation measures; and iii) in cooperation with its counterparts, especially with Portuguese speaking African Countries (PALOP) - Angola, Cape Verde, Guinea Bissau, Mozambique and Sao Tome and Principe - as well as Brazil and East Timor.

Chapter 4 sets out the activities of institutional communication, the handling of requests about the market and the activities of the Public Attendance Service of this Authority, presenting some information on the publications released annually by this Authority, as well as details of events in which it participated, sponsorships and publicity and institutional partnerships.

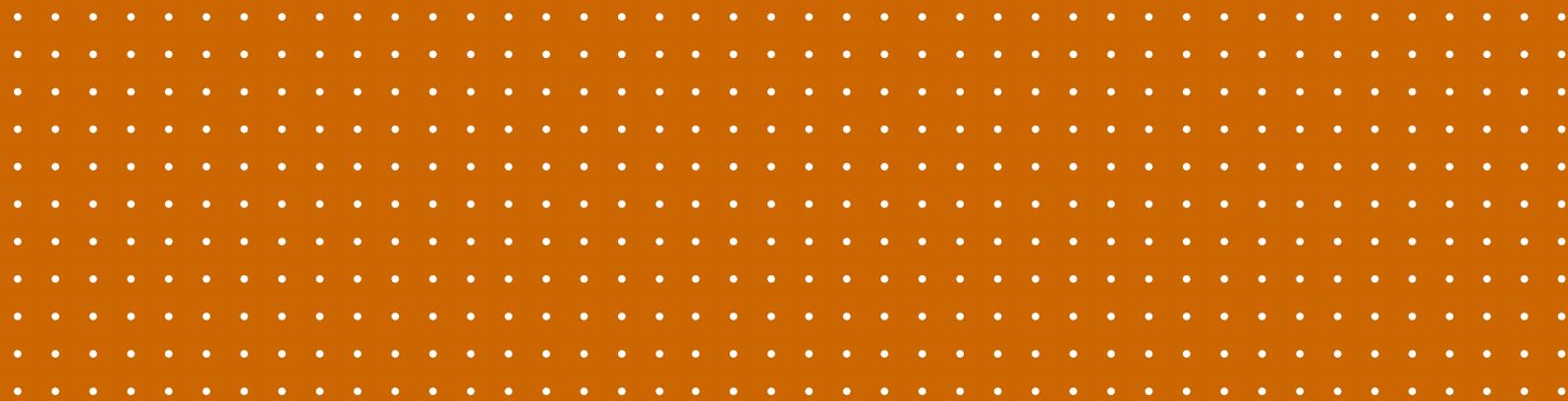
Chapter 5 addresses standardization, technical and laboratory activities undertaken in 2008.

Chapter 6 covers a wide range of activities, especially those undertaken with respect to emergency communications and communications security, the provision of advice to the Government and cooperation with other Authorities and sector Regulators.

Other activities are also described which merit mention due to their importance, such as the approval of a new fees model applicable to electronic communications and postal service operators, and this Authority's participation in the SIMPLEX programme.

01.

Regulation Activities



● Offer prices and conditions

Electronic Communications

RIO 2008

On 16 May 2008, ICP-ANACOM approved the conditions of the Reference Interconnection Offer (*Proposta de Referência para Interligação*) to apply in 2008 (RIO 2008), including amendments made to the maximum prices of PT Comunicações, SA (PTC), to apply from 12 March 2008, with respect to the following services:

- i) call origination and termination;**
- ii) capacity-based interconnection;**
- iii) billing, collection and non-collection risk;**
- iv) activation of portability;**
- v) activation of pre-selection.**

RIO 2008 also established the maximum interconnection price applicable to calls originating from the public payphones of PTC and determined that the penalty established in the flat interconnection tariff, corresponding to twice the price of time-based interconnection, to apply to the transfer of traffic, will apply only to overflow traffic.

This determination also gave rise to the obligation of PTC to identify in advance, in terms of indication and for billing purposes, the CLI category associated with calls originating from payphones (*calling party's category = payphone*).

Decree-Law no. 57/2008 of 26 March

With the publication of Decree-Law no. 57/2008 of 26 March, which establishes the legal regime applicable to the unfair commercial practices of companies in their dealings with consumers, its application to electronic communications was questioned, specifically in respect of the rule set out in the point q) of art. 8, according to which the practice of *"rounding up price, duration or other factors, directly or indirectly, connected to the supply of goods or to the provision of services where this does not have exact and direct correspondence in the effective expenditure or use by the consumer and which leads to an increase in the price paid by the consumer"* is prohibited as an unfair commercial practice, being considered *"a misleading action under any circumstance"*.

In this context, on 2 May 2008, ICP-ANACOM made its view on the matter public, stating on this occasion that the provision is not contained within Directive no. 2005/29/EC of the European Parliament and of the Council, which Decree-law no. 57/2008 was designed to transpose, not having relation to any of the actions set forth in the exhaustive list set out in this Directive.

In its stated position, ICP-ANACOM affirmed that it does not make sense to consider that there are calls, i.e., communications, which last 1 second. This Authority considered that there is a minimum period - which does not correspond to obligatory minimum consumption and much less an activation fee -, which constitutes what can be called a "voice product". Accordingly, it makes sense, in order to comply with the rule in question, that billing should be per second, that is to say without rounding up of the call duration being imposed obligatorily on the consumer. This shall be the meaning of the rule - that is, that operators have available, for the choice of consumers, and as such, in alternative to other models, a tariff of this nature - with a single initial period followed by billing per second, constituting a logic of *"opt-in"*.

Wholesale naked digital subscriber line offer (Naked DSL)

Naked DSL is a form of wholesale offer that enables the provision of an ADSL service to the end-user, without the operator holding the local loop requiring the end-user to engage (or maintain) a fixed telephone service.

In February 2008, ICP-ANACOM adopted a set of recommendations on this wholesale offer, regarding, among other issues, the activation of the service, the need for synchronization between this offer and the portability of the number and the reduction of installation time.

Despite a shift from the period initially recommended by ICP-ANACOM, the provision of this modality by PTC was made possible, with the specifications required by this Authority. As a result, this offer was completely available during the first fortnight of March 2008.

Law no. 12/2008 of 26 February

On 21 May 2008, ICP-ANACOM approved a document which examines and evaluates the impact on electronic communications of the amendments made by Law no. 12/2008 of 26 February to the Essential Public Services Law (Law no. 23/96 of 26 July). This assessment is justified because the scope of the Act was expanded to cover all electronic services, now considered essential public services.

Public consultation on the regulatory approach to Next Generation Access Networks (NGA)

On 18 June 2008, ICP-ANACOM approved a public consultation document on the regulatory approach to NGA. The goal of the consultation was to launch discussion and gather contributions from interested parties, in order to identify possible adaptations in the regulation of wholesale products in the light of the expected developments in access networks, and to develop a suitable regulatory approach which is transparent and consistent. It was further intended to collect updated information on possible plans for evolution to NGA, allowing ANACOM to better quantify the impact on the market and enabling informed and timely action.

Aware that the current and foreseeable developments in NGA raise several issues related to the regulated offer and aware of the impact that these offers will have on the markets, it will be possible for ANACOM to implement a regulatory approach to NGA that is coherent and consistent with the objectives of regulation enshrined in law, including the promotion of competition and encouraging the development of diversified and quality innovative services, thereby ensuring that the interests of users are upheld.

Assessing the forms of implementation of obligations maintained on Grupo PT in the scope of market 12 (supply of wholesale broadband access)

Following the public consultation on the matter, ICP-ANACOM decided on 26 June 2008, given its position on the "spin-off" of TV CABO PORTUGAL, S.A. (ZON TV Cabo), published on 3 April 2008, as well as the results of conducted analysis, and without prejudice to the conclusions that will result from the market analyses, in particular, analyses of markets 4 and 5 of the European Commission Recommendation on relevant markets, to review ways of implementing the obligations maintained on Grupo PT in the scope of market 12.

In this decision, the prior notice (of 10 days before entry into force) was replaced by notice *ex-post* (5 days after the entry into force) of the conditions to be provided at retail level.

By the same decision, the costs for 2008 were updated in consideration of the "retail-minus" rule.

Access of the beneficiaries of the RCAO - Reference Conduit Access Offer (*Oferta de Referência de Acesso a Condutas*) to PTC's database on conduits

Under the obligation to provide access to the conduits, poles and facilities which is binding upon the concessionaire of the public telecommunications service (PTC), on 6 August 2008, ICP-ANACOM adopted the final decision on the maximum annual prices applicable to the service of access to the database on Conduits of PTC. These maximum annual prices were set, by district, according to 4 different scales.

Furthermore, PTC was ordered to maintain the two schemes providing information on conduits and associated infrastructure until 31 October 2008 (through access to the Extranet and using forms with plans available in *PDF* format by email under the current terms), after which period access will be provided exclusively through the RCAO Extranet.

Price of television signal distribution and broadcasting service practiced by PTC

In implementing the measures determined following the analysis of the wholesale market for broadcasting services for the delivery of content transmitted to final users, on 10 September 2008, ICP-ANACOM ordered PTC to reduce the price of each service incorporated in the television signal distribution and broadcasting service, by a minimum of 23 per cent, to ensure that the price system service respects the principle of cost orientation. These new prices entered into force on 1 September 2008.

Publication of performance levels in the quality of service of the wholesale offers

By determination of 15 October 2008, approval was given to the draft decision on the publication of performance levels with respect to the Quality of Service (QoS) of the wholesale offers - RUO (Reference Offer for Local Loop Unbundling), LLRO (Leased Lines Reference Offer), RAO (Reference Conduit Access Offer), Rede ADSL PT and SLRO (Subscriber Line Resale Offer). This draft decision was submitted to a prior hearing of interested parties lasting 30 working days.

Amendment of the guidelines on the minimum content of contracts governing the subscription to electronic communications services

On 11 December 2008, ICP-ANACOM gave approval to the amendments to the guidelines on minimum content to be included in contracts governing the provision of electronic communications services, consequent to the legislation applicable to essential public services (Law no. 12 / 2008 of 26 February, which amended Law no. 23/96 of 26 July), and which requires all providers of electronic communications services to adapt the subscription contract models to the new system and to send subscribers notification in writing with information about the contractual changes resulting from said Law, as well as the amendments relating to so-called "loyalty periods".

Approval of ICP-ANACOM's position on the prices of call origination on national mobile networks

By determination of 6 August 2008, ICP-ANACOM gave approval to its position on the prices of call origination on national mobile networks pursuant to which the operators holding rights to frequencies for the provision of the publicly available mobile telephone service lowered the wholesale prices for the origination of calls on the respective mobile networks to levels nearing, or preferably in line with the maximum levels established for the termination of voice calls on individual mobile networks. This reduction had to be implemented by 30 September 2008.

These operators were also invited to propose reductions in the prices for the service of billing and collection on behalf of other operators, preferably to levels no more than 20 per cent higher than those in RIO 2008.

It was also communicated to these operators that, if significant changes did not occur, it was the intention of this Authority to address this issue in the analysis of the relevant market and/or submit it for consideration by *Autoridade da Concorrência* (Competition Authority).

Capacity-based interconnection offer

By determination of 16 May 2008, ICP-ANACOM approved the conditions to apply in the RIO 2008 regarding the capacity-based interconnection offer. Reductions were made to the prices in force and it was stated that the data provided by PTC in response to the draft decision on the RIO 2008, as well as the proposal it presented to effect a sharp increase in the prices associated with this type of interconnection, needed to be presented in more detail. As such, ICP-ANACOM did not consider it appropriate to depart, at that moment, from the established theoretical model.

Under the conditions described, in December 2008, a draft decision on the capacity-based interconnection offer was submitted to the prior hearing of interested parties, whereby the conclusion was reached that it was appropriate to maintain the application of the theoretical model, while amending certain parameters and increasing the "penalising" factor of traffic transfer.

Postal Services

Law no. 12/2008 of 26 February

On 21 May 2008, ICP-ANACOM adopted a document in which an analysis was made of the impact on postal services by the amendments made to the Essential Public Services Law (Law no. 23/96 of 26 July) by Law no.12/2008 of 26 February.

This assessment was justified because the scope of the Act was expanded to cover all postal services, which are now considered essential public services.

Draft decision on the statistical indicators to be sent on a quarterly basis by providers of Postal Services

On 4 December 2008, ICP-ANACOM adopted a draft decision on the statistical indicators to be sent on a quarterly basis by the providers of postal services and the submission of this draft decision to the prior hearing of interested parties in accordance with Articles 100 and 101 of the Code of Administrative Procedure, whereby a period of twenty-five working days was allowed for the submission of written comments.

● Analysis of markets

Specification of the obligation to control prices in respect of the wholesale markets of voice call termination on individual mobile networks (Market 16)

By determination of 2 July 2008, approval was given to the final decision on the specification of the obligation to control prices in respect of the wholesale markets of voice call termination on individual mobile networks (market 16 of Commission Recommendation 2003/311/EC of 11 February 2003).

This decision established the maximum prices for the termination of voice calls on mobile networks to be applied from 15 July 2008 by the three mobile operators notified as having SMP (Significant Market Power), regardless of the origin of the call, with per second billing from the first second.

It was expected that this decision would be reviewed during the second half of 2009, taking into account developments in this area seen at the level of the European Regulators Group (ERG) and the European Commission, and in view of the evolution of the structural problems identified in these markets in terms of traffic imbalances and tariff differentiation between on-net and off-net calls.

Position on spin-off of PT Multimédia

Following the structural separation of PT Multimédia, now ZON TV Cabo, from Portugal Telecom (PT), by means of the process referred to as the spin-off of PTM, and the approval by the European Commission of Recommendation 2007/879/EC of 17 December on the relevant product and services markets in the electronic communications sector subject to *ex-ante* regulation, ICP-ANACOM considered that it was appropriate to adopt and make public, in April 2008, its position on the concluded operation and its impact with respect to the analyses of markets and the obligations arising therefrom.

● Universal service

In this context, ICP-ANACOM made it clear that, with the spin-off, ZON TV Cabo was no longer included in Grupo PT, whereby the obligations arising from the market analyses conducted pursuant to Title IV of Chapter II of the Law of Electronic Communications (LEC) and which are binding on this group do not apply to ZON TV Cabo.

It was further decided that the obligations in force remain applicable to the companies of Grupo PT, under the terms of the new European Commission recommendation referenced above, until a review is conducted of the analysis of markets, even while the intention has been expressed to conclude the evaluation of the ways in which the obligations maintained on the PT Group in the scope of market 12 are implemented. Aware of the impact of the spin-off on markets 11 and 12 defined by the previous recommendation, now known as 4 and 5, the Regulator also expressed its intention to give priority to the analysis of these markets.

Approval of the report of the consultation and the final decision on the definition of product markets and geographic markets, evaluations of significant market power (Markets 4 and 5)

On 4 December 2008, ICP-ANACOM approved the report on the consultation of interested parties and the final decision on the definition of product markets and geographic markets, evaluations of SMP and imposition, maintenance, amendment or suppression of regulatory obligations in relation to the market for the supply of wholesale network infrastructure access (physical) at a fixed location (market 4) and the market for the supply of wholesale broadband access (market 5). The European Commission and the NRAs of the other Member States were notified.

Designation of the provider(s) of the universal service of electronic communications

As part of its remit as advisor to the Government and in execution of the joint order of the Minister of State and of Finance and of the Minister of Public Works, Transport and Communications of 28 January 2008, in February 2008 ICP-ANACOM launched a public consultation to compile positions on a range of issues related to the process of designating a provider of the universal service and expressions of interest from the various market players in providing this service.

Upon the conclusion of this consultation process, ICP-ANACOM drafted a report with the summary of the positions conveyed in this area and prepared, in accordance with the order, a document with recommendations with a view to holding a tender for selecting the provider(s) of the universal service, which document was presented to the Government.

Evaluation of the net costs incurred through the provision of the universal service

On 30 January 2008, ICP-ANACOM determined that it did not consider it possible to accept the estimated net costs of universal service in respect of 2003 and the revisions of the estimates in respect of 2001 and 2002. In this context, it further determined to carry out, with the support of a consultancy firm selected for this purpose, a process of detailed specification in respect of the methodology to be applied in calculation of said costs and of defining the conditions whereby it could be considered that provision might represent an excessive burden for the respective provider, thereby giving grounds for the establishment of a compensation mechanism.

Telephone directories and information services within the scope of the universal service

As part of this process, on 4 December 2008, ICP-ANACOM adopted a draft decision, setting out the following:

- Sonaecom - Serviços de Comunicações, S.A. (Sonaecom) and Vodafone - Comunicações Pessoais, S.A. (Vodafone) shall, within 30 days, send ICP-ANACOM data from the end-users of their mobile telephone services who have declared their wish to be included in the telephone directories of the universal service;
- The format used for sending the data referred to in the previous paragraph shall be the format agreed in the scope of negotiations held with the universal service provider. Meanwhile, data which end-users did not wish to be used for such purposes shall be withheld and the respective addresses may not be sent until such time as the required authorization is obtained from *Comissão Nacional de Protecção de Dados* (National Data Protection Commission) for the processing of this personal data and until, where necessary, the addresses are corrected to ensure that they match the addresses which the respective users wish to associated with the respective numbers;
- For the purposes of the inclusion of this data in the directory enquiry services of the universal service, companies in possession of such data may store it in a database which should be remotely accessible for fast and secure consultation by the directory enquiry services of the universal service, in order that these services are able to respond to the requests it receives for information, without loss of quality;
- PT Comunicações, S.A. is bound to assist in the implementation of this solution, which must be concluded within 45 days and whose cost will be supported by any company wishing to opt for this model, instead of the model used so far ("data funnel").

It is recalled that the European Commission deemed that the Portuguese Republic failed to fulfil its obligations to ensure the availability of a complete directory and a full inquiry service, according to the requirements of articles 5 and 25 of the Universal Service Directive, and on these grounds, commenced proceedings against the Portuguese State for failure to fulfil obligations.

Residential tariff of the telephone service at a fixed location within the scope of the Universal Service

On 29 October 2008, ICP-ANACOM decided not to oppose the entry into force of the proposal presented by PTC for the tariff, applicable by default, for the telephone service at a fixed location, within the scope of the universal service, to apply retroactively from 27 September 2008, in view of the fact that this tariff complied with the applicable price-cap of CPI-2.75 per cent (which, for the year 2008, corresponds to -0.65 per cent).

With respect to the tariff plan, available as an option at the request of users, which does not include free periods but includes a discount of 0.50 euros (excluding VAT) on the monthly subscription charge, it was concluded that simply maintaining the tariff was in accordance with the applicable price-cap derived from the impact of tariff changes made previously on 26 March 2008.

Price and Quality Conventions of the Universal Postal Service

The rules for setting the prices of postal services included in universal service are fixed in a Convention agreed between ICP-ANACOM and CTT, in accordance with article 14 of Law no. 102/99 of 26 July (Basic Law for Postal Services), as amended by Decree-Law no. 116/2003 of 12 June and clause 24 of the Concession Contract of the Universal Postal Service, concluded on 1 September 2000 and as amended on 9 September 2003 and 26 July 2006.

By arrangement between ICP-ANACOM and CTT, in a negotiating process to accompany that deriving from the price regime, the parameters and minimum quality levels associated with the provision of universal service will be established and published, in accordance with article 8 of the Basic Law for Postal Services and clause 12 of the Concession.

On 4 June 2008, holding a prior hearing, ICP-ANACOM sent the draft agreements to be concluded with CTT to consumer organizations. After examining the opinions of these consumers organizations, ICP-ANACOM took the position that it was fitting to amend the draft Conventions with regard to the following aspects:

Extension of deadline for the disclosure to users by CTT of the prices of the universal service (from 5 to 10 working days) - amendment to paragraph 6 of article 5 of the Price Convention;

Inclusion of the requirement that CTT publicise the levels of service quality on its website, in the *Diário da República* and at postal establishments - addition of a new article 11 to the Quality of Service Convention.

The final texts of the conventions were approved by ICP-ANACOM on 9 July 2008 and signed by the parties on 10 July 2008, taking effect from 1 January 2008. They are valid for a period of three years, renewable for successive periods of one year, unless terminated by either party with at least 60 calendar days notice prior to the date of their expiration.

CTT tariff within scope of the Universal Service

On 16 July 2008, ICP-ANACOM decided not to oppose the entry into force of the proposed prices of the universal service presented by CTT. The new prices came into effect from 1 August 2008, subject to the specific analysis to be carried out independently by ICP-ANACOM on the proposed discounts applicable to the international editorial mail service.

In addition, ICP-ANACOM did not oppose the reduction in the period of notice set forth in paragraph 1 of article 5 of the Price Convention, taking into account the date on which the Convention was signed and the date on which the new prices were due to enter into force. However, CTT was obliged to conduct a publicity campaign to ensure that users are clearly informed in advance in accordance with the period set forth in paragraph 6 of the cited article 5 of the Convention.

By resolution of 26 November 2008, ICP-ANACOM decided not to oppose the entry into force of the proposed prices of the universal postal service with application from 1 January 2009, as notified by CTT. Notwithstanding this decision, this Authority informed CTT that future tariff proposals should contribute significantly to the rebalancing of tariffs provided in the Price Convention.

Furthermore, with respect to the proposed prices of the universal service provided by CTT to apply from 1 January 2009, by determination of 17 December 2008, ICP-ANACOM decided not to oppose the entry into force of the discounts associated with use of franking machines.

Deduction of records affected by the general strike of freight transporters, for the purposes of calculating the QSI established in the Quality Convention

The Quality Convention establishes that *"should any force majeure or phenomenon situation take place, the burst and evolution of which are clearly outside the control of CTT, and have an impact on the quality of service provided by CTT, the latter may request, for the purpose of calculation of the Quality of Service Indicators (QSI) [...], the deduction of the inputs for the concerned periods of time and geographic flows."*

By determination of 1 October 2008, ICP-ANACOM granted the request made by CTT to deduct the records of *"correio azul"* (priority mail) and of parcels directly affected by the general strike of freight transporters which took place on 9 to 12 June 2008, with respect to all national flows, with the exception of mail which was internal to each of the Autonomous Regions of Azores and Madeira, for the purposes of calculating the Quality of Service Indicators (QSI) established in the Quality Convention of the Universal Postal Service.

This deduction is confined to items of *"correio azul"* (priority mail) and parcels actually delivered between 6 and 13 June 2008, and does not include mail items delivered on other days of the year, regardless of the initially planned date of delivery.

ICP-ANACOM further ordered CTT, when calculating QSI figures for 2008, pursuant to article 10 of the Quality Convention, to submit the annual figures of QSI achieved with and without the deduction of the referred records.

● Frequencies

Use of Frequencies

NFAP 2008 - National Frequency Allocation Plan

The NFAP is considered a document with significant impact on the market and as such, on 15 October 2008, the draft of the new NFAP was submitted to the general consultation procedure.

Among the changes in the new version of the NFAP, the following are noted:

- the allocation table was updated to reflect the results of the World Radiocommunication Conference (WRC-07);
- the uses of the frequency bands were updated;
- the availability of spectrum to the market for MCA (mobile communications on board aircraft), GSM-R (GSM for railways), Fixed Service - FH (opening of new radio channels at 56 MHz in the 7 and 13 GHz bands), Point-to-point links in the 74-76 / 84-86 GHz bands (Fixed Service), specific UWB, GPR/WPR and BMA (ultra-wideband equipment);
- licence exempt equipment was updated;
- a set of bands was included for military command, agreed with the Armed Forces General Staff (EMGFA) for equipment operating on a "non-interference and non-protection" basis.

ICP-ANACOM reviewed the comments received through the consultation, and a revised version of the NFAP (NFAP 2008) was adopted on 17 December 2008.

National Agreement for Sharing of frequencies in Times of Peace (ANPF/1999)

Throughout 2008, a proposed revision of ANPF/1999 was drawn up which reflects the agreements reached in 1999 between ICP-ANACOM and EMGFA, with respect to the sharing of the radio spectrum.

ANPF/1999 became outdated in the light of the publication of NJFA (NATO Joint Frequency Agreement) (published in December 2002) and the Radio Regulations revised by the World Radiocommunication Conference in 2007 (WRC-07).

ANPF/1999 contains an indication of the frequency bands of military command - aimed at meeting the needs for the establishment of radio in the national territory for the defence sector and public security forces - and the frequency bands of civil management.

Digital Terrestrial Television (DTT)

By determination of 30 January 2008, ICP-ANACOM adopted a decision on the limitation of the number of rights to use frequencies reserved for digital terrestrial television broadcasting and the definition of the allocation procedure.

This decision limited the number of rights to use frequencies reserved for the digital terrestrial television broadcasting service, to support two operations, as follows:

- One frequency usage right corresponding to coverage on a national basis, associated with Multiplexer A, and for the transmission of television programme services of free, unrestricted access;
- Five frequency usage rights to be allocated to a single entity, corresponding to two with coverage on a national basis, associated with Multiplexers B and C, and three with partial coverage of mainland territory, associated with Multiplexers D, E and F, for the transmission of television programmes services with unrestricted access with subscription or restricted access.

The same decision further defined the procedure for the allocation of the right to use frequencies, associated with Multiplexer A, as being by public tender.

Subsequently, approval was given to the regulation of the public tender for the allocation of a right to use frequencies on a national basis for the digital terrestrial television broadcasting service (Multiplexer A) - Regulation no. 95-A/2008 of 25 February - and the respective tender was launched.

Accordingly, and relying in this respect on the advice of ICP-ANACOM, the Government, by Administrative Rule no. 207-A/2008 of 25 February, opened the tender for the award of five rights to use frequencies for the digital terrestrial television broadcasting service (Multiplexers B to F) and for the licencing of a distribution operator, giving approval to the respective tender regulation and to other components of the tender.

On 24 April 2008, ICP-ANACOM, responsible for handling both tender processes, allowed the entry of the proposal of PTC to the tender regarding Multiplexer A and on 30 April 2008, following a favourable opinion of ERC - *Entidade Reguladora para a Comunicação Social* (Regulatory Authority for the Media), the entries of the proposals of PTC and Airplus Television Portugal, S.A. were allowed to the tender in respect of Multiplexers B to F.

On 9 December 2008, ICP-ANACOM determined to award PTC the title of allocation of the frequency usage right for the provision of the Digital Terrestrial Television service associated with Multiplexer A, whereby PTC will supply the digital transmission of the four current television programme services of free, unrestricted access on a national (RTP 1, RTP 2, SIC and TVI) and a regional (RTP Açores and RTP Madeira) basis, in addition to a fifth television programme service to be licenced over the course of 2009, and the further possible transmission of these services in high definition, in non-simultaneous mode until the switch-off of analogic television broadcasting.

According to this title, the beginning of the service provision shall take place no later than 31 August 2009 with the implementation of the network to be completed by the end of the 4th quarter of 2010. Following this date, the conditions for the transition to digital will have been met in terms of supply and as such for the cessation of transmission of the current terrestrial analogic system.

Process for monitoring the migration from the analogic television system to digital

In order to create conditions for the full implementation of the transition to digital, it is important to encourage migration by consumers, who, wishing to access the DTT service, will need to have suitable reception equipment.

Accordingly, at the end of 2008, this Authority began preparing the monitoring of the transition process, specifically by drawing up a draft Resolution of the Council of Ministers to create a working group to monitor the migration from the analogic television system to digital.

As far as providing information to consumers is concerned, ICP-ANACOM embarked on a revamp of the area of its website devoted to Digital Television, introducing more detailed content, providing an explanation of how the transition will work and setting out the characteristics of the process to be undertaken in Portugal.

Mobile Television (DVB-H)

Subsequent to the interest demonstrated by the market in developing a network for this technology in the near future, and since the networks planned for mobile reception can only be developed and implemented after the switch-off of the analogic TV transmissions, which is expected to occur in 2012, an assessment was conducted into the availability of spectrum for the implementation of a network of this kind in the mainland territory, before the switch-off.

FM Radio broadcasting

To facilitate the response to any requests for frequencies for the holding of new public tenders, an electromagnetic compatibility study was carried out on a national basis to verify spectrum availability at municipal level.

BWA - Broadband Wireless Access

Following the adoption of the report of the public consultation on the introduction of BWA (Broadband Wireless Access) - descriptive term for new technologies using wireless broadband, including applications of a fixed, nomadic and mobile nature - in Portugal, and the respective action plan, on 24 January 2008, ICP-ANACOM adopted the final decision on the limitation of the number of new frequency usage rights allocated for BWA, taking account of the territorial division by zones, in the 3400-3800 MHz frequency bands, in addition to the respective allocation procedure - allocation by auction.

Following these discussions, studies were conducted to determine the auction model and work was begun to establish the governing rules and procedures, which will be subject to public consultation.

Rights to use frequencies in the 450-470 MHz band

By determination of 17 January 2008, ICP-ANACOM approved the decision on the limitation of the number of frequency usage rights to be allocated for the provision of the publicly available Land Mobile Service (LMS) and further approved the definition of the respective allocation procedure, as well as the possibility of provision of the LMS in the same band by providers of the Mobile Trunking Service (MTS).

By determination of 7 August 2008, approval was given to the regulation of the public tender for the allocation of a frequency usage right on a national basis in the 450-470 MHz frequency band for the provision of the publicly available Land Mobile Service, with approval likewise given to the respective tender specifications and the report on the respective consultation procedures.

The act of the public tender was held on 6 October 2008.

The Committee, appointed pursuant to ICP-ANACOM Regulation no. 474/2008 of 22 August, ruled unanimously, without prejudice to article 12 of the Tender Regulation, to propose to the Board of Directors of ICP-ANACOM that only one tenderer be formally allowed to enter the tender: RNT - Rede Nacional de Telecomunicações, S.A.

In compliance with paragraph 1 of article 18 of the Tender Regulation, on 21 November 2008, the Committee approved the final report containing the classification of tenders and the proposal for the allocation of the frequency usage right.

Mobile communications onboard Aircraft (MCA)

A Decision was adopted at the European Commission on the harmonized use of the 1710-1785 MHz and 1805-1880 MHz frequency bands and a recommendation regarding the harmonization of the authorization process, both for services of Mobile Communications onboard Aircraft (MCA).

In this context, by ICP-ANACOM determination of 8 May 2008, a draft decision on the introduction of MCA was approved for public consultation, in addition to the definition of the type of respective authorization.

On 13 August 2008, ICP-ANACOM adopted a final decision on the issue and, in general terms, decided the following:

- To alter the provisions of the National Frequency Allocation Plan (NFAP) in order to accommodate the use of the 1710-1785 MHz and 1805-1880 MHz frequency bands for MCA services over 3,000 meters of altitude;
- To authorize the operation of MCA systems - mobile communications onboard aircraft - in the cited frequency bands, on a non-interference and non-protection basis, subject to the general authorization scheme;
- To make MCA operators subject to compliance with the provisions of the Law of Electronic Communications (paragraph 1 of article 27);
- Not to make the operators of MCA services subject to the payment of spectrum usage fees for the use of frequencies.

Short-Range Radar applications (SRR)

During the second half of 2008, the European Commission issued a mandate to CEPT to conduct a detailed review of the conditions / requirements for the operation of SRR (at 24 GHz and 79 GHz, with the possibility of identifying additional spectrum), with this Authority monitoring the work which will support the CEPT's response to this mandate. According to data which has been collected at a European level, no problems of harmful interference have been identified in the 24 GHz range. Indeed, the total number of vehicles registered, placed on the market or put into service, equipped with short-range radar in this band does not currently exceed 7 per cent of the total number of vehicles in circulation in each Member State and it is not expected that this limit will be reached before June 2013.

It should be noted that the use of the 24 GHz frequency band to accommodate these applications has been provisionally adopted, given that the long-term solution at 79 GHz is not yet commercially available.

GSM Onboard Vessels

The study on the impact of the introduction of mobile terminals on board vessels has been concluded. The aim is to provide the land mobile service to passengers based on GSM 900 and 1800 technology during the passage of vessels in territorial waters, whereas the preparations have likewise been included of the CEPT decision on the free movement and use of GSM terminals on board ships.

The European Commission mandated the CEPT to identify the technical and operational conditions necessary to ensure the absence of harmful interference in radio services operating in the 900 MHz and 1800 MHz frequency range, in the territorial waters of Member States. In order to comply with the mandate, the CEPT began preparing its response, with a view to conclusion by March 2009.

Ultra Wide Band (UWB)

UWB technology enables the development of various systems with different applications, including communication, measuring, viewing, surveillance and localization systems. This technology, which is designed for wireless communications over short distances, with a very high rate of transmission which can reach 500 Mbps, uses low power and spectrum spreading, characteristics which mean that UWB devices could affect various radio services.

In 2008, ICP-ANACOM actively participated in the studies which were carried out at CEPT level with the objective of continuing the development of solutions for the harmonization of radio spectrum usage for UWB systems.

National interest in the 2.6 GHz band

As part of its remit for the promotion competitiveness and the development of the telecommunications market and to undertake regulation and supervision of the communications sector, in addition to the management of the radio spectrum, during the second half of 2008, a document (public consultation) was prepared, receiving approval on 11 December 2008. This document had the objective of sounding out the market in Portugal in order to assess the level of interest in the release of the 2500-2690 MHz frequency band (also known as the 2.6 GHz band) for the operation of publically available electronic communications services. This frequency band has been discussed at European level and it is expected that there will also be interest among the various market participants at national level.

Formal amendment of the licence of Radiomóvel for the provision of the MTS

By determination of 26 April 2008, this Authority approved the final decision on the formal amendment of the licence issued to Radiomóvel - Telecommunications, SA to provide the Mobile Trunking Service (MTS) under the terms of Law no. 5/2004 of 10 February. In particular, the following was determined:

- To approve the report on the prior hearing of interested parties on the respective draft decision;

- To state that the obligations binding upon Radiomóvel for the provision of the MTS under licence no. ICP-ANACOM - 012/MTS are compatible with the new regulatory framework transposed by Law no. 5 / 2004 of 10 February, subsumed in the general conditions established therein for the exercise of the activity and the specific conditions which may be associated with the allocation of rights to use frequencies and numbers, laid down, respectively in paragraph 1 of article 27, paragraph 1 of article 32 and in paragraph 1 of article 34, all of Law no. 5/2004 of 10 February;
- To set out the specification of the general conditions associated with the provision of the MTS, of the conditions associated with the use of frequencies and the conditions associated with the use of numbers of the National Numbering Plan, under the terms of the adapted title.

Revocation of the right of BROADMEDIA to use frequencies

By determination of 16 April 2008, the right to use frequencies assigned to the company BROADMEDIA - Global Communications, SA for the operation of the FWA (fixed access radio) was revoked and it was decided to proceed with the respective recovery of the 2x56 MHz block, corresponding to the 25.109 GHz-25.165 GHz and 26.117 GHz-26.173 GHz frequency, which had been assigned to the company.

Registration of OnAir N.V. in the register of entities providing services of mobile communications onboard Aircraft (MCA)

By determination of 16 April 2008, ICP-ANACOM issued a temporary declaration, for a period of six months, to OnAir N.V., subject to approval being given to the amendment of the NFAP to allow the use of frequencies in the 1710-1785 MHz and 1805-1880 MHz bands for the provision of the MCA service.

After subsequently studying the mode of access to frequencies (general authorization or allocation of individual frequency usage) and the type of obligations which should be included in the non-temporary authorization, in October 2008, ICP-ANACOM approved the issue to OnAir N.V. of a non-temporary declaration.

Renewal of the usage rights of Radiomóvel for the provision of the MTS

On 26 June 2008, ICP-ANACOM decided to grant the application presented by Radiomóvel for the renewal of the right to use frequencies for the provision of the Mobile Trunking Service, to renew the rights held by Radiomóvel to use frequencies for a period of 15 years, expiring on 14 October 2023 and to submit the draft of the renewal title to the prior hearing of the company.

Having examined the comments of operator, by order of 25 September 2008, the corresponding title of renewal of the frequency usage for the provision of the MTS was issued to Radiomóvel.

Revocation of the right of AR Telecom to use frequencies

On 27 August 2008, ICP-ANACOM revoked the right to use frequencies assigned to AR Telecom for the operation of FWA (Fixed Wireless Access) and proceeded to recover the corresponding the block of 2x56 MHz, corresponding to the 24.885-24.941 GHz and 25.893-25.949 GHz frequencies, which had been assigned to the company.

Authorization for making two channels of 56 MHz available in the 7425-7725 MHz frequency range and two channels of 56 MHz available in the 12.75-13.25 GHz frequency range

Sonaecom submitted a request to ICP-ANACOM that channels of 56 MHz bandwidth be made available in frequency bands below 15 GHz for the establishment of point-to-point high-capacity radio links, as an alternative to fibre optic.

According to the company this request not only aims to address situations where existing conduits do not allow the passage of more cables, a commonly occurring situation, but also to overcome difficulties encountered in obtaining local authority permission/licencing for the construction of new conduits, which is often a very protracted or even paralysed procedure.

On 23 July 2008, ICP-ANACOM authorized the provision of two channels of 56 MHz in the 7425-7725 MHz frequency band and two channels of 56 MHz in the 12.75-13.25 GHz frequency band for the provision of high-capacity radio links.

Final decision on the introduction of the GSM-R system and the definition of the respective types of authorization

On 6 August 2008, ICP-ANACOM approved the final decision on the introduction of the GSM-R system (Global System for Mobile Communications-Railway) and the definition of the respective types of authorization, in respect of which it was decided as follows:

- To authorize REFER Telecom, S.A. to operate the GSM-R in the 876-880 MHz and 921-925 MHz frequency bands, according to the general authorization system, in accordance with Law no. 5/2004 of 10 February (LEC);
- To make the operation of the system subject to the fulfilment of the applicable conditions as laid down in article 27 of the LEC, including the technical conditions of Decision ECC/DEC/(02)05;
- To amend the National Frequency Allocation Plan in respect of non-publicly available networks and electronic communications services, so as to designate and reserve the 876-880 MHz and 921-925 MHz frequency bands for the GSM-R system.

Provision of new nomadic broadband service by Radiomóvel

By determination of 29 October 2008, approval was given to the draft decision on the provision of a new nomadic broadband service by Radiomóvel, submitting it to the prior hearing of this company and to the general consultation procedure.

Rights of RTP to use frequencies for the activity of analogic television broadcasting

On 3 January 2008, approval was given to the draft decision which includes the conditions governing the rights to use frequencies and included in the titles to be issued to Rádio e Televisão de Portugal, S.A. (RTP) for the exercise of the activity of analogic television broadcasting, and the recovery by ICP-ANACOM, without charge, of the frequencies in question, subsequent to the alteration made to the NFAP, in particular, as a result of setting the date for the switch-off of television transmissions of the analogic system. This draft decision was submitted to the general consultation procedure.

On 12 March 2008, and subsequent to the general consultation procedure initiated in the meantime, ICP-ANACOM determined as follows:

- To include, among the conditions governing the frequency usage rights in accordance with article 32 of Law no. 5/2004 of 10 February and included in the titles to be issued to RTP for the exercise of the activity of analogic television broadcasting associated with programme services of RTP 1, RTP 2, RTP Azores and RTP Madeira, the recovery by ICP-ANACOM, without any charge, the frequencies in question subsequent to changes made to the NFAP, in particular, as a result of setting the date for the switch-off of television transmissions of the analogic system;
- To submit the drafts of the title to the prior hearing of RTP.

On 16 April 2008, approval was given to the issuance of titles which substantiate and realise the rights of RTP to use frequencies, with approval having been given to the report on the prior hearing to which the draft titles were submitted.

Decree-Law of the amateur service and amateur satellite service

On 11 December 2008, ICP-ANACOM approved the draft Decree-Law of the amateur service and amateur satellite service, which will update and simplify the rules governing the use of the amateur radio service from a technical point of view and in terms of the administrative procedures to be followed in the exercise of the amateur activity.

This law was published in *Diário da República*, 1st series no. 42 of 2 March 2009 (Decree-Law no. 53/2009).

Regulation setting out the rules on the identification and marking of radio stations

On 17 December 2008, ICP-ANACOM approved a draft Regulation laying down rules on the identification and marking of radio stations, which was submitted to the general consultation procedure provided in Article 11 of the Statutes of ICP-ANACOM.

Radio Licencing

The objective of this activity is to conduct the licencing of networks and stations for the various radiocommunication services, particularly in the areas of mobile services and radiodetermination (private and public networks), the fixed and satellite service and the broadcasting service (radio and television).

ICP-ANACOM performed the analysis and handling of the respective licencing procedures, including the assignment of frequencies. The distribution of radio licencing activities by the various radio services during 2008 is presented in Table 1.

Table 1 - Radio licencing activities by service in 2008

Radiocommunication Service		New Licences		Amendment of Licences		Temporary Licences		Miscellaneous Requests
		Station	Network	Station	Network	Station	Network	
Amateur	Amateur	212		1 636				2 540
Mobile	Terrestrial - Networks Private	--	192	--	394	--	323	254
	Terrestrial - Networks Public (GSM)	--	--	--	50	--	--	21
	Terrestrial - Public Network (UMTS)	--	--	--	49	--	--	3
	Terrestrial - Trunking	--	--	--	0	--	--	--
	Maritime	38	--	49	--	--	--	53
	Aeronautical	8	--	5	--	5	--	10
Fixed	Links Point-to-Point	--	19	1	220	--	2	172
	Links Point-to-Multipoint	--	2	--	3	--	--	11
	Studio Links Issuer	--	2	--	36	--	10	53
	Transportable Connections	--	--	--	--	--	--	--
Broadcasting	Sound (Analogic)	10	--	63	--	25	--	313
	Sound (Digital)	--	--	--	1	--	--	--
	Television (Analogic)	8	--	13	--	--	--	15

Licensing and reorganization of networks/stations

In comparison to the previous year and with respect to the land mobile service - UMTS, a slight increase in the number of stations occurred in 2008, with 1,435 new registrations in 2008, opposed to 1,111 in 2007.

With respect to the GSM networks, a decline occurred, with the registration of 520 new stations in 2008, compared to the 924 registered during 2007.

These registrations resulted from 49 applications for the amendment of UMTS network licences and 50 requests for the amendment of GSM network licences, which were processed over the course of 2008.

In the context of mobile services, licensing was granted to the HF - High Frequency aeronautical station for the provision of Operational Control. The station, located on the island of Santa Maria, in the Azores, is to cover the area which, under the terms of Appendix 27 of the Radio Regulation, is designated as NAT-MWARA (Major Area of North Atlantic).

Furthermore, the process was continued of licensing stations included in the maritime traffic control system (VTS - Vessel Traffic System) of IPTM - *Instituto Português e dos Transportes Marítimos* (Port and Maritime Transport Institute).

Regarding the fixed service, 19 licences were awarded and amendments were made to 218 licences, corresponding to the radio networks of operators, of which note should be made of those of Radiomóvel, Vodafone, Sonaecom, PTC, Onitelecom - Infocomunicações, S.A. (Onitelecom) and IPTM which, combined, represented the installation of 2,692 new fixed stations, providing 1,346 point-to-point connections. Note should also be made of the high number of stations that were established in 2008, which is not evident regarding the number of issued/amended licences.

With respect to the space operations service and the Earth exploration by satellite service, 3 earth stations of the European Space Agency (ESA) were licenced to be installed on the island of Santa Maria (Azores), with one station designed for following up on the launch of the Ariane 5 rockets and the other two designed to receive data sent by the ERS-1 and ENVISAT satellites.

Note should also be made of the licensing of the SINTRA 8 earth station, offering MEO DTH services (Direct to Home).

Amateur and amateur satellite services

A process was begun of decentralizing the conduct of amateur exams in the Autonomous Region of the Azores, making it possible for amateur candidates on the other islands to do the exam without having to travel to ICP-ANACOM's office on Ponta Delgada. In this respect, exams were conducted in Terceira at the end of 2008. This was one of the raft of measures adopted by ICP-ANACOM as part of the 2008 SIMPLEX programme.

Notification and registration of frequencies

In respect of the inventory process and the process of frequency assignments to be notified to the BR/ITU, covering the 1.5 GHz-56 GHz frequency range, an analysis and updating of notifications of frequencies assigned to national radio stations in respect of the fixed satellite services was carried out over the course of 2008.

20 notification filings were sent in connection with earth stations and 12 notifications were registered in the Master International Frequency Register (MIFR).

With respect to the radio broadcasting service and, as usual, the frequencies used by short-wave operators, for the two currently defined periods, were reported. Notifications were also made with respect to FM radio broadcasting, resulting from changes in stations as well as from new stations entering operation.

Coordination of satellites networks

During 2008, an analysis was made of 311 CR/C special sections (notifications for coordination of satellites networks) published in 18 ITU (International Telecommunication Union) Weekly Circulars, which resulted in 17 manifestations of disagreement with the corresponding applications for coordination from various foreign administrations.

Protection of radio stations and networks

Under the powers conferred by Decree-Law no. 151-A/2000 of 20 July, ICP-ANACOM, as a result of licencing and authorizations granted for the operation and use of radio networks and stations and in view of safeguarding their operation, undertakes to assure them the protection that is necessary and possible so as to enable them to pursue their objectives.

According to Decree-Law no. 597/73 of 7 November, some of these radio stations enjoy special protection with administrative service, which places restrictions on the construction and placement of obstacles in areas defined in respect of this use.

ICP-ANACOM is asked to give an opinion on the feasibility of installing buildings and infrastructure in these areas. In particular, its assistance has been requested in the review of projects and issuance of opinions with regard to the feasibility of installing radio infrastructure, pursuant to Decree Law no. 11/2003 of 18 January.

ICP-ANACOM has also participated in several Joint Coordination Committees to review Municipal Director Plans (PDM), representing its Tutelage, attending the meetings of these Committees, contributing to the drafting of PDMs and issuing opinions on them.

Table 2 presents the distribution of the number of requests and opinions expressed by ICP-ANACOM in this respect.

Table 2 - Requests and opinions issued in 2008

Subject	Number of requests	Number of opinions
Items for the review of Municipal Director Plans	57	41
Installation of radio infrastructure	19	19
Installation of Wind Farms	69	63
Installation of High Voltage Overhead Lines	27	25
Plans for construction/urban development	136	124
Other cases	6	2
TOTAL	314	274

● Numbering, portability and pre-selection

Amendment to the Portability Regulation

Regulation no. 58/2005 of 18 August (Portability Regulation) which establishes the principles and rules governing portability on the public telephone networks and which is binding upon all companies with portability obligations, was published on 18 August 2005. Until then, and since 28 June 2001, for fixed networks, and January 2002, for mobile networks, the Specifications for Portability were applied - which overall constitutes a total of seven years experience with the adopted portability solution.

Meanwhile, as a result of the development in the markets for electronic communications services and the corresponding growth in the number of users signing up to this type of service, there is a demand for efficiency and speed in the process of switching operator with subscriber number portability, and the European Commission has also called for a significant reduction in the time that users have to wait for portability.

Accordingly, almost three years after the Portability Regulation came into force, the practice of companies subject to it has demonstrated the need to make some changes to the original version, with respect to the principles and rules to be observed.

Therefore, on 15 October 2008, ICP-ANACOM adopted the draft amendment to the Portability Regulation, which was subsequently made subject to the regulatory procedure laid down in article 11 of the Statutes of ICP-ANACOM and to public consultation.

With the introduced amendments, emphasis is given to the responsibility of the receiving provider with regard to the entire process, rules are established providing for efficiency between providers and there is greater subscriber protection. In this regard, provision has been made for the payment of monetary compensation in cases of non-compliance or negligence, both between providers, and for the subscriber. In addition, deadlines were established for the activation of portability for the subscriber.

Furthermore, a solution was defined that will enable the portability of numbers of subscribers and former subscribers of companies which stop providing the service, for whom this functionality must also be ensured.

Conditions associated with the rights to use numbers transferred to Sonaecom

By determination of 29 December 2008, ICP-ANACOM approved, following the respective prior hearing of Sonaecom, the report and final decision on the conditions of rights of use for numbers transferred from Optimus Telecomunicações, S.A. (Optimus) to Novis, S.A. (Novis), and on the transfer to Sonaecom of rights of use for numbers allocated to Telemilénio, Lda.

Allocation of rights to use numbers

In 2008, an allocation was made of 1.3 million geographic numbers, of which 190 thousand were for the area of Lisbon and 70 thousand were for Oporto. Over the same period, 100 thousand numbers were recovered from other areas of the country.

With regard to non-geographic numbers, Table 3 presents the distribution of the numbers allocated and/or reserved (A) and recovered (R) by type of service:

Table 3 - Non-geographic numbers

Allocated and/or Reserved (A) or Recovered (R)	Non-geographic numbers				
	VoIP Services ¹ Nomadic	Short Numbers ²	Translation services and voice mail	Data Services (ISP)	Mobile Phone Service ³
A	290 000	5	164 503	300	2 600 000
R	50 000	5	60 000	400	350 000

1 - Voice over Internet Protocol

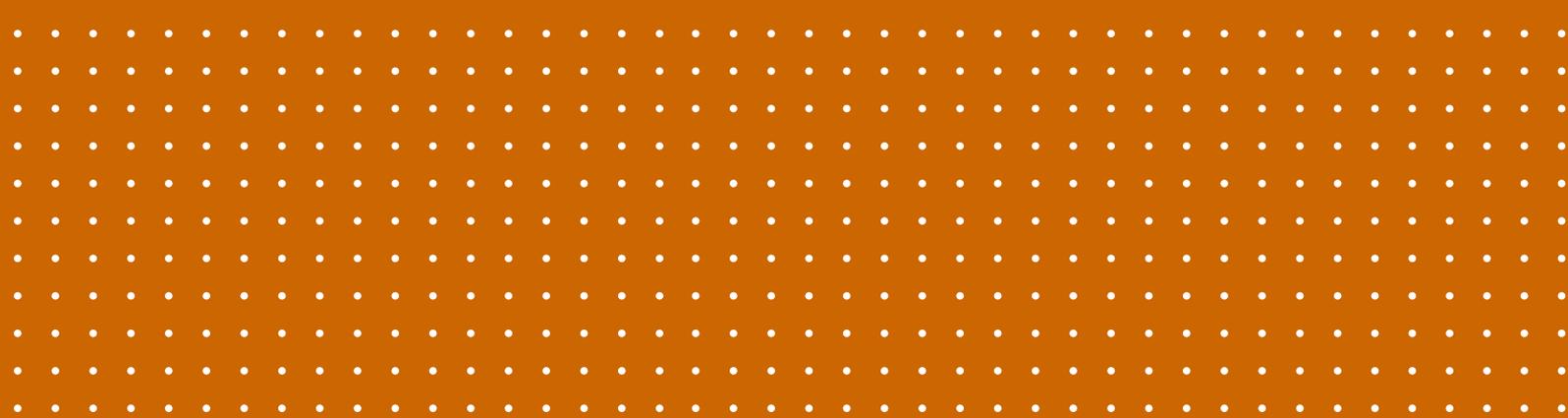
2 - Corresponds to the 10xy, 116xyz, 14x(y), 15xy, 16xyz and 18xyz ranges.

3 - The numbers were allocated in blocks of 10,000 for the "92" range. Usage rights for the "609" and "669" numbering ranges are implicitly allocated for access to the voice mail service, respectively, for voice mail consultation and leaving messages and the "639" and "659" numbering ranges, respectively, for access to fax and data mobile services.

With respect to non-geographic Audiotext numbers, 1,000 numbers were allocated or reserved in the general range (601) and 12,000 numbers were recovered, half of which concerned the number "601" and "608" (sales), and the other half concerned the numbers for Televoto (607), competitions and hobbies (646) and erotic numbers (648).

02.

Supervision Activities



● Monitoring

Monitoring and Control of the Spectrum (MCE)

The monitoring and control of the spectrum (MCE) encompasses the management of frequencies and has the following main objectives:

- Verification of the operating conditions of radio networks and stations, according to current legislation, in particular Decree-Law no. 151-A/2000 of 20 July;
- Compilation of information on the ground to assist the activities of spectrum planning and the licencing of radio stations and networks.

In 2008, ICP-ANACOM invested in the technological upgrade and equipping of infrastructure supporting its MCE activities, specifically two communications receivers with measuring capability, two selective radiation measurement systems, one portable spectrum analyser, in the upgrade and maintenance of its systems for analysing the quality of service of the mobile networks and a number of other radio frequency devices.

In addition, three switching antenna systems were acquired, together with two telegraph and digital communications analysers, two communications receivers with measuring capability and various other devices for the Oporto Centre as part of the Integrated Monitoring Project (PMI), which has almost been concluded in this centre, with only some adjustments to the applied software still required.

With respect to the technical management of MCE equipment and systems, the following activities, which took place over 2008, should be noted:

Equipment calibration

- Definition of the calibration profiles for the new equipment;
- Internal calibration of 94 appliances;
- External calibration of 33 appliances.

Corrective conservation

286 operations were carried out in several appliances of all the MCE centres, of which just 17 made use of resources external to ICP-ANACOM. Of particular note is the extensive conservation work carried out internally on MCE equipment of the Automatic Inspection Position of Barcarena.

Preventive conservation

Intervention was undertaken in respect of the hardware and software of SINCRER and in the sets of antenna in the Barcarena and Madeira centres.

In operational terms, periodic monitoring campaigns were conducted over the course of 2008, to verify if the operation of stations and networks is in accordance with current legislation and in particular with the conditions imposed in the licences of radio stations and networks.

As part of these inspection and enforcement activities, legal proceedings were begun in 84 processes with respect to verified infringements.

There were 1,846 requests for intervention, with the resolution of most requests needing the local intervention of a technical team. Of the total, 48 per cent resulted from complaints about interference, with more than half of these referring to complaints resulting from interference in terrestrial television reception systems. Note should be made of the high level, with respect to complaints of occurrence/interference in communications of the Aeronautical Mobile Service (13 per cent), of the Amateur Service and Amateur Satellite (9 per cent) and the networks and stations of the terrestrial mobile service with CDMA technology, operating in the 450 MHz band (7 per cent).

Finally, it should be noted that, of the remaining 52 per cent of requests received, 14 per cent related to requests for verification of compliance with reference levels for the protection of the general population.

Furthermore, operational actions were undertaken which arose from requests from the Media Regulator (ERC), under the current protocol with ICP-ANACOM.

Cooperation with other public entities, including the PSP, GNR, PJ and with our international counterparts made up a large part of the activity undertaken in this area over the year, accounting for about 12 per cent of the overall activity.

Particular note should be made, as regards MCE, of those activities which are designed to address harmful interference affecting frequencies, channels and stations, which are detailed as follows:

- The frequencies of the aeronautical mobile service for runway approach, distress and safety, and national airport control towers;
- Calling, distress and safety channels of the maritime mobile service;
- Aeronautic and maritime radionavigation service stations;
- Responses to requests from the authorities responsible for search and rescue (search and rescue at sea coordination centre and/or portuguese air force), with respect to false or deceptive alarms whether intentional or caused through negligence, have been given top priority by the operational services of spectrum management.

In all cases, activity is based on the principle that it is vital to eliminate harmful interference as quickly as possible, with recourse, if necessary, to exceptional measures that can include the closure of the station causing the disturbance. When interference is caused by a foreign station and/or a station outside the jurisdiction of this Authority, it may take a substantial length of time to resolve the problem. In such cases, the notification procedures of the Radiocommunications Regulations are of particular relevance.

Regarding international cooperation, in 2008 Portugal registered 178 requests for cooperation, with a view to resolving problems of interference or eliminating illegal emissions. Cooperation was closest with european countries (United Kingdom, Austria, Germany, Spain and France), whereas in certain cases there was a need for participation by the United States of America.

During 2008 and in an international context, five automatic HF monitoring campaigns were conducted, as part of the continued monitoring of the HF bands for the CEPT (January, September, October, November and December 2008).

Non-ionising radiation

By the end of 2008, ICP-ANACOM had received 1,254 requests related to non-ionising radiation. 1,220 cases were concluded (159 involving educational institutions), many of which were in response to on-site measurements.

The results point to values of at least 50 times lower than the reference levels of power density set in Administrative Rule no. 1421/2004 of 23 November. There were 35 cases which failed to ensure levels of 50 times lower than the reference levels from the outset. However, all of them guaranteed the fulfilment of reference levels. All conclusions of the actions undertaken were brought to the attention of persons or entities who requested the evaluations.

Quality of service

Regulation on the Quality of Service (RQS) applicable to the public telephone service

In 2008, ICP-ANACOM conducted verification of compliance with the following obligations arising from the Regulation on Quality, applicable to the service of access to the public telephone network at a fixed location and to the publicly available telephone service at a fixed location, published in *Diário da República*, series II, on 14/06/05, as Regulation no. 46/05:

- provision of information on levels of performance for the year, for each defined parameter;
- provision of information on levels of performance for the year, which providers propose to offer over the course of the year, for each of the defined parameters;
- it was determined that this information should be provided to users in writing, at all points of sale and shall be disclosed on the websites of the companies, where a website is provided, which information shall be provided in a visible and easily identifiable form.

Regulation no. 46/05, which objective is the publication and availability to end-users of clear, complete and comparable, updated information on the quality of service achieved by providers, includes a list of quality parameters in its annex for which methods of calculation have been established, which are to be followed by providers in their measurement and which take as a reference the document of the ETSI Guide - EG 201 769-1 V1.1.1 (2000/2004).

As part of its monitoring activities, ICP-ANACOM noted the need to make the information established in this Regulation available in a manner that is clearer, consistent and easier for end-users to find. Accordingly, in September 2008, ANACOM gave approval, by means of a recommendation, to the "Disclosure model" to be adopted by companies providing the telephone service at a fixed location (STF) for the disclosure of information on quality of service to end-users pursuant to the RQS.

Evaluation of actions implemented by CTT in 2007, to comply with the decision of this Authority in respect of compensation of users for failure to meet quality of service indicators in 2006

On 20 February 2008, ICP-ANACOM received CTT's report with the overall results of the actions implemented by CTT in 2007 to compensate users for non-compliance with the indicators of quality of service in 2006, subsequent to the decision of this Authority, taken in 2007, to apply a deduction of 1 per cent to the weighted average of variation in prices of services reserved to CTT, authorized for 2007 and to determine that CTT shall present a proposal on the measure's implementation.

ICP-ANACOM concluded that the set of actions accepted by ICP-ANACOM would result in benefits for users with a value corresponding to about 2.8 million euros, meeting the established objectives.

Quality of service of Internet access

Following the consultation launched on the extension of Regulation no. 46/2005, which sought to include quality of service parameters for access to the Internet within the RQS, ICP-ANACOM decided, by determination of 16 January 2008, not proceed with the amendment in question. As a result, the regulation continues to apply only to the service of access to the public telephone network at a fixed location and the publicly available telephone service at a fixed location.

It was considered, in particular, to ensure that users have maximum benefit in terms of choice, price and quality and to promote clarification for users on quality of service provided with respect to Internet access, that there were already faster and less onerous means available which were more easily adaptable to the changes of the market for the entities involved.

Furthermore, continuity was given to actions aimed at improving the quality of that service including, and in addition to the monitoring of complaints, the publication of a study on the Quality of Service of Internet Access/2007 and the preparation of the public tender for the study on the Quality of Service of Internet Access/2008.

In addition, the contracts of subscription to the service were checked, to assess the inclusion of the obligations and recommendations set out in the determination which gave approval, under articles 39 and 48 of Law no. 5/2004 of 10 February, to the guidelines on minimum content to be included in contracts governing the provision of electronic communications services.

Studies on the Quality of Mobile Services

Over 2008 several studies were conducted and published, of which the following are put in relief:

- Publication of Study on Quality of Mobile Services/2007 (voice, video telephony and coverage), in the Autonomous Regions of Azores and Madeira;
- Publication of Study on Quality of Mobile Services/2007 (voice, video telephony and coverage), on the mainland;
- Publication of the Study on Quality of Mobile Services/2007, on the *Alfa Pendular* Service of CP (Portuguese Railways);
- Publication of the Study on Quality of Mobile Services/2007, (SMS and MMS), on the mainland;
- Completion of the Study on the Quality of Mobile Services/2008 in terms of voice, in the light of the support technology used - GSM or UMTS;
- Completion of the Study on the Quality of Mobile Services/2008 (SMS and MMS), on the mainland;
- Completion of the Study on the Quality of Mobile Services/2008 (voice, video telephony and coverage), on the mainland.

Audit of the quality of service indicators and complaints system of CTT with respect to financial years 2006 and 2007

Following the audit conducted with regard to the quality of service indicators and complaints system of CTT, in respect of the years 2006 and 2007, in November 2008, after the prior hearing of CTT, approval was given to the publication of the reports on the performed audit, and a set of determinations and recommendations were made to CTT with the aim of achieving improvements in the systems for monitoring the quality of service indicators and the handling of complaints.

Audit of the quality of service indicators with respect to the year 2005

By determination of 17 December 2008, following the prior hearing of CTT, approval was given to the report to be published by this Authority concerning the results of the audit conducted on the levels of quality of service offered by CTT in 2005.

Other Monitoring Activities

Regulation of international roaming

Over the course of 2008, ICP-ANACOM took various measures with respect to monitoring the implementation of Regulation (EC) no. 717/2007 of 27 June, on roaming on public mobile telephone networks within the Community, allowing consumers to benefit from a "Eurotariff" from summer 2007. The maximum price cap of the "Eurotariff", which during the first year of the Regulation was 0.49 euros (excluding VAT) and 0.24 euros (excluding VAT) for voice calls made or received in roaming within the EU, respectively, was reduced to 0.46 euros (excluding VAT) and 0.22 euros (excluding VAT) since the end of August 2008.

The Regulation also imposes a price cap on the average wholesale tariff that the operator of a visited network may charge the operator of the roaming client's home network for a voice call in roaming, with origination in this visited network. This limit was set by the Regulation at 0.30 euros per minute, in the first year of its application, falling, under the same Regulation, to 0.28 euros on 30 August 2008.

The regulation also made it mandatory for operators to automatically provide to their roaming customers - when they enter a Member State that is not that of their home network - a free instant messaging service that reports on the charges for calls made and received in roaming.

ICP-ANACOM has carried out the following actions:

- monitoring and supervision of compliance in the national territory: in this context, note should be made of the compilation of information from providing companies, the performance of inspections to check the effective implementation of measures to increase tariff transparency and the monitoring of complaints received with respect to roaming;
- information to the public on the application of the Regulation, by updating the relevant information on ICP-ANACOM's website;
- monitoring of tariffs and of the use of traffic steering techniques to the detriment of customers;

- monitoring of situations of involuntary cross-border *roaming*;
- participation in the International Roaming Project Team (IRPT) of the European Regulators Group (ERG).
It should be noted that in January and August 2008, the ERG published two reports on the implementation, in various european countries, of the measures established in the Regulation, recognizing that, for the time being, in most countries there was a reduction in the tariffs of the roaming service and a good level of compliance by operators with the measures established to improve the transparency of retail tariffs;
- six-monthly reporting to the Commission, as required by the Regulation, of information on the activity of international roaming of the operators active in Portugal.

In late September 2008, the European Commission presented its proposed revision of the Regulation on International Roaming to the European Parliament and the Council, seeking to extend it until 2012 and broaden its scope to services of text messages (SMS) and data (used in roaming) in the intra-community area.

Monitoring of trends in wholesale and retail prices with respect to portability and the obligation to provide information to the consumer as set out in the Portability Regulation

In this respect, in 2008 ICP-ANACOM conducted:

- the compilation of information from companies providing the mobile telephone service and companies providing the fixed telephone service on the prices charged to subscribers for operations of portability (retail prices) and on the prices charged to service recipients (wholesale prices);
- a survey sent to different european NRAs via the CN (Contact Network) of the IRG, to collect a range of information on portability, especially on retail and wholesale prices charged by operators and information relating to compensation for delays in the implementation of requests for portability;

- the monitoring of complaints received with respect to the free online message provided by companies offering the mobile telephone service;
- the monitoring of compliance with the obligations set out in art. 21 of the Portability Regulation, including the provision by providers of the mobile telephone service of a free online notice for national voice calls between mobile networks and services for ported numbers, the provision of information to subscribers on procedures for deactivation and reactivation of hearing the same notice and implementation of the service of information on the prices for calls to ported numbers. In 2008, these measures also covered virtual mobile network operators (MVNO).

Audit of 2005 and 2006 results of the costing system of CTT

By determination of 19 November 2008, ICP-ANACOM approved the final reports of the audits performed by KPMG & Associados on the analytical accounting system used by CTT with respect to the years 2005 and 2006 and decided to also hear CTT on the statements of evidence of conformity issued by this Authority and the determinations and recommendations aimed at improving CTT's existing costing system.

● Dispute resolution

Dispute between Tele2 and PTC over consumption of power in respect of the RUO

By determination of 16 April 2008, approval was given to the final decision regarding the process of administrative settlement of the dispute between PT Comunicações, S.A and Telemilénio - Telecomunicações, Sociedade unipessoal, Lda., related to the non-payment of invoices relating to the consumption of power in the context of access to the local loop (RUO). In this respect, ICP-ANACOM decided the following:

- To deny the request presented by PTC to settle this dispute, due to the fact that the maximum period allowed before seeking the intervention of the Regulator, as set out in paragraph 2 of article 10 of the same law, had elapsed;
- To clarify that point 4.2.3 b) of annex 14 of the RUO defines the prices payable by other licenced operators in exchange for the co-installation services provided by PTC, irrespective of the time of the installation and connection of equipment. By agreement, the parties may stipulate that the sums in respect of the consumption of energy, calculated according to the formula set forth in the RUO, shall be due from a time after the commencement of the provision of the co-installation service. In such case, the parties shall define the conditions necessary for the functioning of the agreement, specifically in so far as they allow PTC to know the effective date following which such sums may be legitimately charged.

Dispute between Sonaecom and PTC on the payment of compensation for failure to meet the levels of quality of service established in the RUO

On 4 June 2008, this Authority decided, with respect to the administrative settlement proceedings initiated by Sonaecom with the objective of obtaining the payment of compensation by PTC for failure to comply with the levels of quality of service established in the reference unbundling offer (RUO), to respond to the requests for verification of eligibility in 2006.

The final decision given in this case considered and rejected the arguments and grounds set out in the request for dispute settlement and dismissed the application for payment of compensation for failure to comply with the maximum response periods established as objectives of quality of service of the RUO, as well as the claimed interest.

Dispute between Sonaecom and PTC on the payment of compensation for failure to comply with the levels of quality of service established in the RUO and in the LLRO

Following a request submitted by Sonaecom seeking the intervention of the regulator to settle the dispute with PT Comunicações, S.A, on the payment of compensation for failure, in 2006, to comply with the levels of quality of service and with respect to the time limits applicable to the restoration of service (repair of faults), established in the Reference Unbundling Offer (RUO) and in the leased lines reference offer (LLRO), on 30 April 2008, ICP-ANACOM adopted a draft decision which rejected the request in which declaration was made of the obligation of PTC to pay Sonaecom the amount claimed as compensation for non-compliance, as well as the claim for interest and due diligence required by the Sonaecom, considering that these were neither useful nor necessary for the clarification of the facts relevant to the decision.

“30” Numbering range - VoIP

Between July and September 2008, ICP-ANACOM received several communications from Sonaecom, requesting the intervention of the regulator with respect to the request of this operator, directed at PTC and TMN - Telecomunicações Móveis Nacionais, S.A., (TMN) on opening the “30” numbering range - nomadic VoIP to route calls over their networks, for which there was a lack of consensus on the price of termination practiced by Sonaecom.

In order to verify compliance with the obligation to negotiate interconnection which is incumbent on the operators and provides for the possible intervention of this Authority, in December 2008, information was requested from PTC and Sonaecom on the state of negotiations on this agreement, including proposals exchanged between the parties regarding the price of termination proposed by Sonaecom and counter-proposed by PTC and TMN.

● Inspection

As part of its statutorily conferred powers, ICP-ANACOM is charged with the inspection and enforcement of compliance with the applicable laws and technical requirements, and with guaranteeing that communications operators comply with the provisions of the respective licences for the exercise of activity or concession contracts.

Accordingly, in this context, in 2008 ICP-ANACOM made it a priority to strengthen its investigative and enforcement activities in the detection, and subsequent redress, of cases where the exercise of activities by entities lacked appropriate authorization.

At the same time, and as far as available resources allow, ICP-ANACOM also sought to verify compliance, on the part of authorized entities, with the provisions of the respective activity licences, with the ongoing aim of preventing situations that might arise from distortions in the normal functioning of the markets, seeking solutions that might resolve disputes between operators or between operators and consumers.

Electronic Communications

In terms of electronic communications the following enforcement actions should be noted:

Telephone Service at a fixed location

- Verification and analysis of relevant information on the offers of the operator PTC, searching for acts that may indicate practices or situations which may indicate lack of compliance with the applicable regulatory framework;
- Compilation and analysis of information on VoIP technology and its impact on the provision of services by operators;
- Analysis on the time taken by the Customer Services of the providers of this service to answer customer calls;
- Investigation to verify compliance with the determinations of this Authority concerning win-back practices by PTC;
- Investigation into the alleged existence of discrimination in offers by PTC to its customers;

- Analysis of the operating conditions of the local fixed telephone service, offered by Vodafone, TMN, Sonaecom and ZON TV Cabo;
- Investigation into the cost of calls to numbers in the "707" range, in the Vodafone Casa service;
- Investigation into compliance with the determination of January 2007 on the "761" and "762" numbering ranges;
- Investigation of ZON TV Cabo, following a complaint by PTC;
- Investigation into the publication and provision to users of information about quality of service at the points of sale of all providers;
- Investigation into the placement of publicity and telemarketing in calls to 1820 (information service) by PTC;
- Investigation into the detailed billing submitted by PTC;
- Investigation into compliance with the determination of May 2008 on per-second billing, after an initial period with fixed charge;
- Investigation into the provision of this service by Bragatel - Companhia de Televisão por Cabo de Braga, S.A. (Bragatel) of Pluricanal Leiria - Televisão por Cabo, S.A. (Pluricanal Leiria) and Pluricanal Santarém - Televisão por Cabo, S.A. (Pluricanal Santarém);
- Investigation in 13 PTC telephone exchanges, related to alleged constraints under the RUO;
- Analysis of 101 complaints about problems with Operator Selection and Pre-selection and three investigations in the same area, following complaints of providers of this service;
- Collection of subscription contracts at the points of sale of all providers of this service.

Cable distribution service

- Analysis of the conditions of supply of services provided by the cable operator TVTel Comunicações, S.A. (TVTel);
- Collection of information and comparative study of offers of service proposed by the operators Cabovisão - Televisão por Cabo (Cabovisão) and ZON TV Cabo;
- Characterization of the offers and comparative study between the operators ZON TV Cabo, TVTel, Pluricanal Leiria, Pluricanal Santarém and Bragatel;

- Compilation of information and assessing the situation regarding set top boxes (STB) with irregularities on sale in the national market;
- Characterization of offers and comparative study between the triple-play offers of the IPTV services, ClixSmartTV of Sonaecom and MEO of PTC;
- Compilation and analysis of information on the technical aspects of Digital TV, with particular focus on the DVB standards and its different versions, under the european standard;
- Compilation and analysis of information on technical aspects of digital television and the High Definition (HD) format, in the context of recent developments on digital terrestrial television and the opening of the tender for the 5th channel;
- Inspection of all providers of this service to verify compliance with the obligations arising from their respective authorizations;
- Inspection of all the providers of this service to verify compliance with the obligations related to Complaint Books;
- Investigation into the alleged alteration of network and contractual conditions by TVTel;
- Collection of subscription contracts at the points of sale of all providers of this service.

Public payphones

- 65 inspection activities, with respect to entities providing this service, to detect situations where there is lack of authorization for the exercise of the activity, and to verify compliance, in cases of legally authorized entities, with the obligations arising under the respective authorizations.

Mobile Services

- Brief analysis of the conditions of supply, affordability and coverage of the *Telemodem Zapp* service of the operator Radiomóvel: the historical development and verification of the conditions of use, radio coverage and accessibility of the mobile Internet access service proposed by this operator. Accessibility tests were performed during the year in the districts of Bragança, Castelo Branco, Portalegre, Évora, Beja, Faro and Setúbal;

- Compilation and analysis of information on virtual mobile operators (MVNO) and characterization of the current offer in Portugal;
- Compilation of information on High Speed Uplink Packet Access (HSUPA) technology and how this is integrated into the offers of existing mobile networks in the national market;
- Compilation of information on new proposals for networks and services based on WiMAX wireless technology, and its possible application to the reality of broadband Internet access networks in our country;
- Analysis of information on the evolution of the radio spectrum to GSM 450 mobile services;
- Analysis of the conditions of use and possible vulnerability of mobile terminal equipment to communication interception devices for sale over the Internet;

Virtual Phone Cards

- Survey on the conditions governing the provision of this service, with 47 inspections performed of entities involved in its provision.

Internet Access

- The unusual behaviour of certain users of Internet networks, commonly referred to as heavy user, has a negative and significant impact on the performance of networks, degrading the quality of service. As such, and within the scope of the working group which includes representatives of operators/providers (fixed networks) of access to the Internet and the Directorate General for the Consumer, four meetings were held during 2008 with a final document on the subject in preparation;
- Analysis of the conditions of supply of services proposed by a number of the "*Cidades e Regiões Digitais*" (Digital Cities and Regions) projects in the promotion of wireless broadband Internet access, provided in public spaces;
- Compilation of information and characterization of new solutions and respective architectures based on optic technology and its future application to the reality of access networks in our country;
- Compilation of information and comparison of broadband offers (fixed access) in the market.

Portability

- Conclusion of five investigations into the realization of portability requests, with respect to disputes involving providers of the telephone service at a fixed location;
- Analysis of 150 refused portability requests;
- Investigation into the information services regarding the prices of calls to ported numbers;
- Investigation into the existence and content of the online notice informing the caller that the call is being made to a ported number, where such notice is required.

Postal Services

With respect to the postal services market, note should be made of the implementation of enforcement measures, covering the following areas:

- Compilation and analysis of information on the provision of services of operators of non-express mail services. The analysis focused on the companies (or brands, in the case of franchising);
- Systematic analysis of the conditions of provision of services offered by CTT Expresso and comparison of the services with others of similar characteristics and/or descriptions and the respective pricing;
- Analysis of the conditions of supply and the effective provision of services of regular mail and priority mail (*correio azul*) - delivery times, by the concessionaire company, particularly in post destined for the remotest islands in the Azores and Madeira archipelagos. This analysis was performed according to a cross-section of items sent from Lisbon and Oporto and carried out during working days in April and October (opposite seasons of the year);
- Inspections performed at points of sale of all providers of these services, related to verification of compliance with the rules on the Complaint Books;
- Investigation of irregularities in the home delivery of correspondence by CTT in the Municipality of Cascais;
- Inspection of the conditions of supply of the companies CTT Gest, Mailtec, Indy, TNT and Adicional.

All irregular situations detected were sent for analysis with a view to litigation.

Equipment Market

Part of the remit of this Authority is the monitoring and enforcement of compliance with the system of free movement, placing on the market and putting into service in the national territory, of radio and telecommunications terminal equipment (R&TTE)¹ pursuant to Decree-Law no. 192/2000 of 18 August.

The supervision of this market involves three procedures for the assessment of conformity of equipment in the market, including:

- Procedure 1 - actions of direct investigation (in person and also by catalogue and Internet) of economic agents (distributors, importers, retailers);
- Procedure 2 - market follow-up actions, through laboratory testing and analysis of technical documentation to verify compliance of equipment;
- Procedure 3 - market follow-up actions, through analysis of technical documentation to verify compliance of equipment.

The scope of the activity conducted in 2008 was as follows:

- Procedure 1 - 667 pieces of equipment inspected. Under this procedure 527 units were seized, for failure to meet one or more requirements for its entry into market (in particular, lack of CE mark, lack of declaration of conformity and lack of manuals in Portuguese).
- Procedures 2 and 3 - 109 inspections of equipment were begun and 178 pieces of equipment were tested, with a recorded rate of technical non-compliance (tests) of 4 per cent.

¹ Radio and Telecommunications Terminal Equipment.

Procedures 2 and 3 involve laboratory testing and documentary analysis, allowing comprehensive assessment of the compliance of equipment with the requirements set out in Decree-Law no. 192/2000 of 18 August.

Regarding the types of non-compliance detected, in procedures 2 and 3, in 2008 there was a large diversity in the types of non-compliances as shown in Table 4:

Table 4 - Technical and documentary non-compliance detected

Types of non-compliance	% of the total
Indication on the packaging that the equipment is intended for use in Portugal	2,5
Indication in the manual that the equipment is intended for use in Portugal	2,4
Alert of any restrictions or requirements to which the equipment is subject	1,6
Statement of Compliance (must accompany the equipment) - in reduced format in Portuguese	2,9
Statement of Compliance (must accompany the equipment) - in full format	3,0
Statement of Compliance (must accompany the equipment) - with reference to the Internet	3,0
Documentation and manuals in Portuguese language	2,7
Existence of CE marking on the equipment (transmitter and receiver)	2,6
Existence of CE marking on the package	0,3
Existence of CE marking in the manual	2,7
Visible, legible and indelible marking	0,3
Designation of the contacted notified body (marking) on the equipment	0,6
Designation of the contacted notified body (marking) on the packaging	0,7
Designation of the contacted notified body (marking) on the manual	0,7
Identification of the class of equipment (marking) on the equipment	2,4
Identification of the class of equipment (marking) on the packaging	2,6
Identification of the class of equipment (marking) in the manual	2,5
Symbol informing that the equipment uses frequency bands whose use is not harmonized in the European Union on the equipment	2,3
Symbol informing that the equipment uses frequency bands whose use is not harmonized in the European Union on the packaging	2,4
Symbol informing that the equipment uses frequency bands whose use is not harmonized in the European Union in the manual	2,3
Identification of equipment - Manufacturer	0,4
Identification of equipment - Brand	0,1
Identification of equipment - Type	0,8
Identification of equipment - Model	0,0

Table 4 - Technical and documentary non-compliance detected (cont.)

Types of non-compliance	% of the total
Identification of equipment - Series no.	2,7
Notification in accordance with article 6.4 of the R&TTE Directive	3,0
General description of equipment	1,3
Drawings of the design and manufacture	4,1
Diagrams	4,1
Technical specifications	3,8
Block diagram	4,2
List of components	4,3
List of standards applied in full or in part	3,3
Harmonized radio standards	0,3
Harmonized EMC standards	0,3
Harmonized LVD standards	0,3
Harmonized Health Protection standards	0,5
Description and explanation of the solutions adopted where harmonized standards have not been applied	0,2
Results of design calculations and tests performed	2,3
Radio test reports	3,2
EMC tests reports	3,8
LVD test report	3,8
Statement issued by the manufacturer that the tests were conducted and that the essential requirements are met or statement issued by the notified body that the dossier proves compliance with the essential requirements	3,4
Full declaration of conformity - provided with the equipment	2,8
Full declaration of conformity - provided with the technical documentation	3,4
Full declaration of conformity - indication of the manufacturer	0,4
Full declaration of conformity - signature of issuer	0,1
Full declaration of conformity - indicates compliance with Directive 1999/5/EC	0,1
Full declaration of conformity - indication of technical standards	0,1
Full declaration of conformity - indication of the date	0,1
Radiated disturbing electromagnetic field	1,7
Tension can disturb supply terminals	0,1
Frequency drift	0,3
Total	100,0

As a result of the non-conformities detected, 66 processes were sent for analysis with a view to litigation.

In the case of radio equipment which uses frequency ranges whose use is not harmonized across the European Union, it is necessary, by imposition of article 9 of Decree-Law no. 192/2000 of 18 August, that the manufacturer, the legal representative thereof or the importer notify ICP-ANACOM of such. Said notification must be undertaken four weeks prior to any market placing.

In 2008, 857 notifications of radio equipment were received - Table 5 shows the distribution of these notifications by type of equipment:

Table 5 - Types of equipment reported

Types	Notifications	
	(in number)	%
Alarms	85	9,9
Land Mobile	31	3,6
Wireless Audio	44	5,1
Bluetooth	12	1,5
Motion Detection	2	0,2
Radio	24	2,8
PMR 446	36	4,2
Amateur	0	0,0
Immobilizer	8	0,9
GPS	1	0,1
Maritime mobile	0	0,0
CB	5	0,6
DECT	3	0,4
Radar	0	0,0
Broadcasting	0	0,0
RFID	33	3,9
RLAN	457	53,3
SRD non-specific	18	2,1
Telecomand	68	7,9
Tele-measurement	2	0,2
TETRA / GSM	0	0,0
Data transmission	28	3,3
TOTAL	857	100,0

Of the 857 notifications received, 14.4 per cent (123) had various errors, the distribution of which errors are given in Table 6.

Table 6 - Most frequent errors

Type of error	%
Indication of frequency bands allocated exclusively to other services (e.g. broadcasting - 175 kHz; model aircraft - 34.990-35.230 MHz, military management, medical implants, audio wireless, inductive applications; microphone transmitters for non-professional use)	5,0
Errors with respect to the antennae of equipment (e.g. antennae cannot be external, integrated antenna or dedicated required; insufficient information)	72,7
Indication of maximum power limit	22,3
TOTAL	100,0

Since September 2008, ICP-ANACOM has been conducting an european campaign of market surveillance of radio equipment for telecommunications, together with several similar bodies in other european countries.

This campaign will extend until June 2009 and is part of the activities of surveillance and administrative cooperation in the context of R&TTE², to raise awareness, among consumers and entities responsible for placing equipment on the market, of the requirements of Directive 1999/5/EC with respect to radio and telecommunications terminal equipment placed in the european market.

The equipment covered in this market inspection campaign are PMR³ (e.g.: PMR 446, Tetra⁴) and wireless applications in the 2.4 GHz band (RLAN⁵, wireless video transmitters, remote control). The final results will be reported this year to the European Commission and TCAM⁶.

In 2007, ICP-ANACOM received 63 safeguard clauses under article 9 of Directive 1999/5/EC (article 16 of Decree-Law no.192/2000 of 18 August).

Telecommunications Infrastructure in Buildings - ITED

In 2008, registration was carried out of 25 new certifying entities and the registration of six entities was revoked, resulting in a total of 171 certifying entities in activity.

With respect to the inspection activity, 466 inspections took place, in respect of various processes, including registration, revaluation, revocation of registration, complaints, other inspections and the designation of training bodies.

Of the total of 446 inspections performed, 405 related to inspections of telecommunications infrastructure in buildings, with a detected irregularity rate of 26 per cent.

The requirements in force in the ITED Manual require that the certifying entities acquire a range of testing equipment in order to upgrade their levels of quality. In 2008, there were 19 cases with respect to the updating of itens of registration of certifying entities, of which nine related to procedures for updating technology.

Two training bodies were designated for the implementation of qualification courses in ITED, giving a total for the year of 16 active training bodies.

² Group of Administrative Co-operation under the R&TTE Directive.

³ Private Mobile Radio;

⁴ Terrestrial Trunked Radio;

⁵ Radio Local Area Network;

⁶ Telecommunication Conformity Assessment and Market Surveillance Committee.

● Litigation and offences

With respect to raising awareness about the ITED scheme, ICP-ANACOM organised five seminars for ITED technicians (in Faro, Oporto, Lisbon, Funchal and Ponta Delgada), which events merit the general participation of ITED technicians. ICP-ANACOM also participated in two seminars organized by other entities.

With the goal of reducing the number of municipalities which do not apply the ITED rules correctly, ICP-ANACOM held 35 meetings during 2008 to raise awareness among Municipal Councils in various parts of the country.

The results of these actions have been largely positive. The Municipal technicians responsible for urban areas are becoming increasingly aware of the importance of ITED certification, and in some cases Council procedures now require certification of ITED compliance for the purposes of issuing authorization of building use.

In addition to the disclosure activities, clarification was made of doubts and queries - 597 requests for information involving technical and legal analysis.

The Management System for telecommunications infrastructure in buildings (SGITED), a computer application that aims to automate and streamline all ITED related processes, entered into operation during 2008, providing important gains in efficiency for ICP-ANACOM and the various entities involved (including certifying entities, ITED training bodies, ITED technicians, project owners and/or consumers).

Community Litigation

Universal Service Directories

By failing to guarantee the availability in practice in Portugal of at least one complete directory list and at least one complete telephone information service for all end-users, pursuant to articles 5, paragraphs 1 and 2, and article 25, paragraphs 1 and 3 of Directive 2002/22/EC of the European Parliament and of the Council of 7 May 2002, on the universal service and users' rights relating to electronic communications networks and services (Universal Service Directive), the European Commission, considering that the Portuguese Republic had not complied with the obligations set out in the cited Directive, initiated legal action against Portugal in the Court of Justice of the European Communities, which case is ongoing.

It should be noted that in addition to the cited provisions of Directive 2002/22/EC having been correctly transposed, since 2003 ICP-ANACOM has adopted a number of measures to ensure the availability of a directory list and a complete telephone information service, within the scope of the universal service. However, because Vodafone managed to obtain, by court order, a provisional suspension of the transmission of data of their subscribers to the provider of the universal service provider, it became necessary to seek agreement between PTC (current universal service provider) and Vodafone and Sonaecom on the conditions for sending the data of subscribers to the mobile telephone services of these two providers. This process began in 2007 and continued through most of 2008.

Due to a delay in completing these agreements, despite significant progress, ICP-ANACOM intervened in 2008, establishing the conditions and the deadlines for submission of data to the universal service provider, referring this decision to the prior hearing of interested parties.

It is expected that, during the first half of 2009, a complete list and a full telephone information service will be finally available, containing the data of all consenting end-users of fixed or mobile telephone services.

Designation of the Universal Service Provider(s)

In 2005, the European Commission initiated a process of pre-litigation against the Portuguese State, essentially arguing that the designation of PTC as the provider of the universal service until 2025 was incompatible with the requirement laid down by Directive 2002/22/EC of European Parliament and of the Council of 7 March 2002 on the universal service and users' rights relating to electronic communications networks and services.

In February 2008, the Commission issued its reasoned opinion, in this case, maintaining its original position.

In response, the Government redefined the overall timetable of actions to ensure that the designation of the provider(s) of the universal service is in accordance with the terms of the cited Directive, transposed by Law no. 5/2004 of 10 February.

It is in this context that ICP-ANACOM, in its role as advisor to the Government and in the execution of the joint order of the Minister of State and of Finance and the Minister of Public Works, Transport and Communications of 28 January 2008,

launched a public consultation process in February 2008 in order to compile positions on a range of issues relating to the designation of universal service and expressions of interest from the various market players in providing this service. Upon the conclusion of this consultation, a report was drafted with the summary of views received (available on the website of ICP-ANACOM) and in accordance with the cited order, a document was prepared with recommendations to the Government for holding the tender for the selection of the provider(s) of the universal service.

Following this process, and at the request of the Government, ANACOM began preparing the regulatory documents needed to launch a tender for the designation of the provider(s) of the US.

Infringement Proceedings

In Table 7 and in Table 8 detailed information is given on the infringement proceedings began in 2008 and carried over from previous years, respectively.

Table 7 - Cases instituted in 2008

Cases	N.º (value)
Cases Instituted	139
Cases Determined	28
With voluntary payment	1 (€99,76)
With acquittal	4
With reprimand	3
With application of fine	20 (€393.097,58)
Paid	3 (€6.098,79)
Executed	4 (€137.473,79)
Outstanding	7 (€107.400,00)
Appealed	6 (€142.125,00)

Table 8 - Cases carried forward from previous years

Cases	N.º (value)
Fines paid	5 (€3.649,75)
Sent for execution	8 (€81.248,80)
Challenged	1 (€5.000,00)
Cases determined	171
With voluntary payment	24
With acquittal	1 (€498,80)
With reprimand	38
With application of fine	34
With voluntary payment	74 (€721.425,74)
Paid	31 (€89.018,98)
Executed	13 (€125.492,78)
Outstanding	15 (€82.915,18)
Appealed	15 (€423.998,80)

The infringement cases that led to the institution of the 139 infringement proceedings in 2008 are presented in the following tables:

Instituted due to breach of Law no. 5/2004 of 10 February

ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES	55 Cases
• Non-Compliance of the obligation of supply information to NRA	43 Cases
• Breach of the rules associated with the rights to use geographic numbers	3 Cases
• Use of subscription contracts without prior approval of the NRA	2 Cases
• Non-Compliance with orders or legitimate notices of the NRA	2 Cases
• Breach of the terms defined by the NRA for the RCAO, with respect to the descriptive conduit database	1 Case
• Failure to respect the service designation associated with the allocation of rights to use frequencies and non-efficient frequency use	1 Case
• Violations of the right of subscribers to Portability	1 Case
• Failure to comply with the Quality of Service obligations of the Universal Service	1 Case
• Violations of the rules set out in the Selection and Pre-selection Regulation	1 Case

Instituted for violation of other legislation

Postal Services (Decree-Law no. 150/2001 of 7 May, as amended by Decree-Law no. 116/2003 of 12 June)	10 Cases
<ul style="list-style-type: none"> • Failure to provide ICP-ANACOM with the information necessary for verification and enforcement of the requirements and conditions derived from the authorization or licence 	10 Cases
Radio broadcasting activity (Decree-Law no. 151-A/2000 of 20 July, applicable under Article 1 of Decree-Law no. 126/2002 of 10 May)	7 Cases
<ul style="list-style-type: none"> • Use of radio stations in violation of the technical parameters set by ICP-ANACOM 	7 Cases
Sound broadcasting activity - RDS (Decree-Law no. 272/1998 of 2 September)	1 Case
<ul style="list-style-type: none"> • Use of the RDS system without authorization (article 3/1 and 2) 	1 Case
Amateur radio service (Decree-Law no. 5/95 of 17 January)	5 Cases
<ul style="list-style-type: none"> • Use of frequency bands and emission classes different from those authorized for amateur service articles 23/2, point I) 	4 Cases
<ul style="list-style-type: none"> • Failure to transmit call sign at the beginning and end of each transmission; amateur use of unlicensed station; use of offensive words or expressions in communications; intentional interference in the communications of other amateur stations - articles 23, paragraph 1, al. a), paragraph 2, point a) and b) and paragraph 3 point g) 	1 Case
Mobile maritime service (Decree-Law no. 179/97 of 24 July)	1 Case
<ul style="list-style-type: none"> • Use of a radio network without licence 	1 Case
Personal radio service - C.B. (Decree-Law no. 47/2000 of 24 March)	1 Case
<ul style="list-style-type: none"> • Use of C.B. stations by non-registered entities 	1 Case
Land mobile service for private use (Decree-Law no. 151-A/2000 of 20 July)	39 Cases
<ul style="list-style-type: none"> • Use of a radio network without licence 	32 Cases
<ul style="list-style-type: none"> • Use of radio stations in unassigned frequencies 	4 Cases
<ul style="list-style-type: none"> • Use of radio stations in violation of the technical parameters set by ICP-ANACOM 	2 Cases
<ul style="list-style-type: none"> • Use of radio stations without licence 	1 Case
Installation of telecommunications infrastructure in buildings (ITED) (Decree-Law no. 59/2000 of 19 April)	10 Cases
<ul style="list-style-type: none"> • Issuance of Certificate of Compliance with respect to non-compliant installation 	5 Cases
<ul style="list-style-type: none"> • Preparation of technical projects not in compliance with the applicable technical requirements and specifications (article 7/1) 	4 Cases
<ul style="list-style-type: none"> • Breach of the obligation of ITED installers to only use equipment and material on site that is compliant with the applicable requirements - article 19/point b) 	1 Case

Terminal and radio equipment (Decree-Law no. 192/2000 of 18 August)	10 Cases
<ul style="list-style-type: none"> • Placing on the market of equipment that is non-compliant with the essential requirements and have not been the object of conformity assessment procedure and which are not duly marked (article 7/1) • Failure to inform the user of the intended use of the equipment - article 8, point a) • Failure to supply the user with a declaration of conformity to the essential requirements, together with the equipment - article 8, point b) • Violation of the obligation to provide the user with information, by failure to indicate on the packaging and instructions as to whether the radio equipment is intended for use in Portuguese territory or part thereof - article 9/1, point a) • Violations of the obligation to provide notification to ICP-ANACOM prior to the placing on the market of radio equipment using frequency bands whose use is not harmonized throughout the European Union (article 9 / 3) • Violations of the obligation to affix the CE marking of conformity on appliances that meet the essential requirements (article 27/1) • Violation of the obligation to supply documentation, information manuals and instructions in Portuguese and with express indication of the legal provisions of conformity (article 28/3) • Failure to declare that the equipment complies with the applicable essential requirements (paragraph 5, point b) of Annex III) • Violation of the obligation to maintain the technical construction dossier, making it available to the competent national authorities for inspection for a period of not less than 10 years (paragraph 7 of Annex IV) 	10 Cases

Administrative Actions

In Table 9 and Table 10 detailed information is provided concerning the processes in administrative litigation began in 2008 and carried over from previous years.

Cases of 2008 in administrative litigation

Types of Cases	N°
2008 Cases	21
Protective Measure	7 (suspension of validity)
Special Administrative Action	12
Joint Administrative Action	2

Cases in administrative litigation

Types of Cases	N°
Cases brought forward	43
Protective Measure	4 (suspension of validity)
Special Administrative Action	24
Action for Annulment	9
Declaratory action with ordinary procedure	2
Action to Enforce a Right (tax)	2
Civil Liability Action of the State	1
Common Admin. Proc - Right of Work	1

Below, an essential summary is given with respect to the 11 processes begun in 2008, all relating to electronic communications networks and services:

Electronic Communications

- Precautionary procedure of suspension of validity, presented by PTC and by PT.COM, to suspend the validity of the order set forth in paragraph 2 of point III of the Determination passed by the Board of Directors of this Authority on 03.10.2007, as the "Determination on the method to assess margin squeeze in broadband offers provided by the PT Group - 1:50 contention offers", whereby this Authority ordered that the companies of Grupo PT must inform ICP-ANACOM of conditions applied at retail level, including any available promotions, 10 days ahead of the day on which such conditions are to come into force, submitting grounds that evidence compliance with the Determination. ICP-ANACOM submitted its objection on 12.02.2008, seeking dismissal of the applied for measure. Subsequent to a Determination taken on 26.06.2008, under which ICP-ANACOM eliminated the requirement of prior notice imposed by paragraph 2 of section III of the Determination of 03.10.2007, an application was put, on 08.07.2008, to the Lisbon Administrative Circuit Court for the termination of proceedings without need to adjudicate. PTC did not oppose the application. Ruling on 31.07.2008, the Lisbon Administrative Circuit Court ordered the termination of proceedings without need to adjudicate. The process is closed.
- Precautionary procedure of suspension of validity, presented by TMN, with a view to the immediate suspension of the act undertaken, on 19.11.2007, by a Member of the Board of Directors of ICP-ANACOM, in the exercise of delegated powers, which determined the delivery to ICP-ANACOM of a copy of the contract agreed between TMN and CTT on access to the mobile network. ICP-ANACOM submitted its objection on 20.03.2008. Ruling on 25.04.2008, the Lisbon Administrative Circuit Court dismissed the application for suspension of validity as not proven. The process is closed.
- Precautionary procedure of suspension of validity, presented by TMN, seeking the immediate suspension of the Determination issued by the Board of Directors of ICP-ANACOM, on 02.07.2008 regarding the "Wholesale Market for Voice Call Termination on Individual Mobile Networks - Specification of the Price Control Obligation". On 04.07.2008, ICP-ANACOM notified TMN of the Reasoned Resolution adopted by this Authority. ICP-ANACOM submitted its objection on 21.08.2008. The case is pending.
- Precautionary procedure of suspension of validity, presented by Vodafone, seeking the suspension of Determination issued by the Board of Directors of ICP-ANACOM on 02.07.2008 with regard to the "Wholesale Market for Voice Call Termination on Individual Mobile Networks - Specification of the Price Control Obligation". On 22.08.2008, ICP-ANACOM notified Vodafone with respect to the Reasoned Resolution adopted by this Authority. On 27.08.2008, ICP-ANACOM submitted its objection. Ruling on 23.10.2008, the Lisbon Administrative Circuit Court rejected the requested precautionary procedure. Notified of the ruling of 23.10.2008, Vodafone did not concur and appealed to the Central Administrative Court South. ICP-ANACOM entered its counter-claims on 04.12.2008. The case is pending.
- Special Administrative Action, brought by PT Comunicações, S.A and PT.COM, seeking the annulment of the determination in paragraph 2 of section III of the Determination taken by the Board of Directors of ICP-ANACOM on 03.10.2007 as the "Determination on the method to assess margin squeeze in broadband offers provided by the PT Group - 1:50 contention offers" under which this Authority determined that the companies of Grupo PT must give notification of conditions applied at retail level, including any available promotions, 10 working days ahead of the day on which such conditions are to come into force, submitting grounds that evidence compliance with the Determination. ICP-ANACOM submitted its response on 04.03.2008.

Following the Determination on 26.06.2008, under which this Authority removed the requirement of notice imposed by the cited paragraph 2 of section III of the Determination of 03.10.2007, an application was put, on 08.07.2008, to the Lisbon Administrative Circuit Court for the termination of proceedings without need to adjudicate. PTC did not oppose the application.

Ruling on 31.07.2008, the Lisbon Administrative Circuit Court determined the termination of proceedings without need to adjudicate. The case is closed.

- Special Administrative Action, brought by PT TELECOM, SGPS, S.A., seeking condemnation of ICP-ANACOM through administrative act or other legal act which declares the partiality of Member of the Board of Directors, Dr. José Manuel Bígares Ferrari Careto, removing him from the procedure for adopting a decision on the obligation to control prices in the wholesale markets of voice call termination on individual mobile networks, from responsibility of the Board of Directors of ICP-ANACOM. This means that ICP-ANACOM would be condemned to the practice of an act of granting a claim of bias, replacing the decision of rejection came by the Chairman of the Board of ICP-ANACOM of 16.01.2008. ICP-ANACOM challenged. The case is pending.
- Special Administrative Action, brought by the TMN, challenging the act practised on 19.11.2007 by a Member of the Board of Directors of ICP-ANACOM, in the exercise of delegated powers, which determined the delivery to ICP-ANACOM of a copy of the contract agreed between TMN and CTT on access to the mobile network. ICP-ANACOM challenged on 26.06.2008. The case is pending.
- Special Administrative Action, brought by Vodafone against the Determination issued by the Board of Directors of ICP-ANACOM on 02.07.2008, with regard to the "Wholesale Market for Voice Call Termination on Individual Mobile Networks - Specification of the Price Control Obligation". The case is pending.

- Special Administrative Action, brought by TMN, in respect of a Determination taken by the Board of Directors of ICP-ANACOM on 02.07.2008, with regard to the "Wholesale Market for Voice Call Termination on Individual Mobile Networks - Specification of the Price Control Obligation". The case is pending.

Joint Administrative Action, brought by BLUE CARD - Serviços de Telecomunicações Informáticas, LDA, seeking clarification of points of Law, including whether Regulatory Order no. 1230/99 is a Regulation and, if not, whether it is ineffective due to the fact that it was published in the 2nd Series of the *Diário da República* and not the 1st Series-B in accordance with article 3, paragraph 3, point d) of Law no. 74/98 of 11 November, and to further ascertain whether the repeal of the Decree-Law which gave grounds thereto and its replacement by Law no. 5/2004 of 10 February led to the termination of the validity of said regulation.

ICP-ANACOM challenged. The case is pending.

- Joint Administrative Action, brought by PT Comunicações, S.A, seeking to hold ICP-ANACOM liable for losses caused by its regulatory actions with respect to the prices for the termination of calls on the public telephone network at a fixed location charged by companies not belonging to Grupo PT. ICP-ANACOM challenged on 03.10.2008. The case is pending.

Digital Terrestrial Television service (DTT)

- Precautionary procedure of suspension of validity, brought by AIRPLUS Television Portugal, S.A. and others, seeking that suspension be granted of the Public Tender for the allocation of frequency usage rights on a national and part-national basis for the digital terrestrial broadcasting service and for the licencing of a distribution operator - Muxes B to F". ICP-ANACOM presented its objection.

Reasoned resolutions were presented, under the terms and for the purposes of paragraph 1 of article 128 of the Code of Procedure of the Administrative Courts, both by ICP-ANACOM and the ERC, which were to be deemed illegal. This decision was appealed. The case is pending.

- Special Administrative Action, brought by the AIRPLUS Television Portugal, S.A. and others, seeking the annulment of the administrative acts performed by ICP-ANACOM and ERC and conviction of the defendants with a view to the execution of a new assessment of applications in respect of the Public Tender for the allocation of frequency usage rights on a national and part-national basis for the Digital Terrestrial Television Broadcasting Service.
ICP-ANACOM challenged on 02.10.2008. The case is pending.

Universal service

- Special Administrative Action, brought by PTC, seeking the annulment of the Determination issued by the Board of Directors of ICP-ANACOM on 30.01.2008, on the "Decision on the Evaluation of net costs incurred through the provision of universal service".
ICP-ANACOM challenged on 24.06.2008. The case is pending.

Publicly available Land Mobile Service

- Precautionary procedure of suspension of validity brought by TMN, in respect of the act of opening the Public Tender for the Allocation of a right to use frequencies on a national basis, for the provision of the publicly available land mobile service, and any subsequent actions undertaken under this procedure, as well as prohibition of the practice and performance of any other subsequent acts in the same tender procedure.
ICP-ANACOM presented its objection. The case is pending.

- Special Administrative Action, brought by TMN, to challenge paragraph 3 of the determination taken by the Board of Directors of ICP-ANACOM on 17.01.2008, to the extent that this Determination allows Trunking Mobile Service operators (SMRP) to provide the Land Mobile Service (LMS) without the organization of a competitive or comparative selection procedure.
ICP-ANACOM challenged on 25.06.2008. The case is pending.

- Special Administrative Action, brought by Vodafone, challenging paragraph 3 of the Determination taken by the Board of Directors of this Authority on 17.01.2008, to the extent that this Determination allows Trunking Mobile Service operators (SMRP) to provide the Land Mobile Service (LMS) without the organization of a competitive or comparative selection procedure.
ICP-ANACOM challenged on 01.07.2008. The case is pending.

- Special Administrative Action, brought by Vodafone, challenging the Regulation of the Public Tender for the Allocation of a Right to Use Frequencies, on a national basis, for the provision of the publicly available land mobile service.
ICP-ANACOM challenged.

- Special Administrative Action, brought by Sonaecom, challenging the Regulation of the Public Tender for the Allocation of a Right to Use Frequencies, on a national basis, for the provision of the publicly available land mobile service, as well as the Tender Specifications.
ICP-ANACOM responded. The case is pending.

Radio Station Support Infrastructure

- Precautionary procedure of suspension of validity, brought by Sonaecom (and others) seeking the suspension of validity of the act of the Councillor of the Municipal Council of Faro who ordered the removal, within 45 working days, of radio station support infrastructure located in the building at Lote A, Rua Alves Roçadas, in Faro.
ICP-ANACOM, named as a third party, challenged on 03.12.2008.

Ruling on 08.01.2009, the Administrative and Fiscal Court of Loulé determined the termination of proceedings without need to adjudicate. The case is closed.

- Special Administrative Action, brought by Sonaecom (and others) seeking the impugnation of the act of the Councillor of the Municipal Council of Faro who ordered the removal, within 45 working days, of radio station support infrastructure located in the building at Lote A, Rua Alves Roçadas, in Faro.
ICP-ANACOM challenged on 03.12.2008. The case is pending.

With respect to the 43 cases carried over the following were closed in 2008:

- An appeal of annulment, brought by TECNIEURO - Instalações Técnicas Especiais, LDA, on 18.01.2000 against the order of Member of the Board of Directors of ICP-ANACOM, dated 16.12.99, imposing a fine on said company, on the grounds of breach of the contractual terms referred to in the construction contract, concluded on 30.04.99, for the installation of heating, ventilation and air conditioning of the building occupied by ICP-ANACOM in Barcarena.
ICP-ANACOM submitted its reply on 19.05.2000.
Ruling on 07.10.2008, the Administrative and Fiscal Court of Sintra dismissed the appeal, maintaining the appealed act. The case is closed.

Electronic Communications Networks and Services - Access to Conduits

- Special Administrative Action, brought by Novis, on 19.10.2004, following the Determination of the Board of ICP-ANACOM of 17.07.2004 on the "Offer for access to the PTC concessionaire conduits".
ICP-ANACOM submitted its response on 05.01.2005.
Ruling on 20.10.2006, the Administrative and Fiscal Court of Oporto ordered the termination of proceedings without need to adjudicate. The case is closed.

Electronic Communications Networks and Services

- Precautionary procedure of suspension of validity, brought by Novis, AR Telecom - Acessos e Redes de Telecomunicações, S.A., Onitelecom, Cabovisão, COLT Telecom - Serviços de Telecomunicações, Unipessoal, LDA, G9SA - Telecomunicações, S.A., seeking the declaration of nullity or annulment of the decision on "*Price control of call termination on the public telephone network at a fixed location of operators with significant market power (SMP), except for operators of the PT Group*", approved by determination of the Board of Directors of ICP-ANACOM of 26.10.2005.
ICP-ANACOM's opposition was lodged on 09.03.2006.
A reasoned resolution was presented recognizing that the deferment of implementation, for the period in which the precautionary procedure would be pending, would be seriously detrimental to the public interest.
ICP-ANACOM opposed the request for suspension of validity on 28.03.2006.
On 12.05.2006, the Claimants sought declaration from the Administrative and Fiscal Court of Lisbon of invalidity of the "act of undue execution" set out in the cited Resolution.
ICP-ANACOM commented on this claim on 05.06.2006.
The Court found against the application of the Claimants on 09.06.2006.
Ruling on 25.01.2007, the Administrative and Fiscal Court of Lisbon rejected the request for suspension of validity. The case is closed.
- An appeal of annulment, brought by PTC, on 23.04.2001, in respect of the Determination of the Board of Directors of ICP-ANACOM of 21.02.2001, in which the Board, considering that PTC had presented an "Offer of Access to ISPs" on 13 February 2001, ordered PTC to introduce several changes to this alleged offer, through the issuance of a PRAI, to be published by 01.03.2001.
ICP-ANACOM submitted its reply on 20.09.2001.
Ruling on 07.07.2008, the Administrative and Fiscal Court of Sintra dismissed the appeal, giving merit to the question of impossibility of adjudication. The case is closed.

- An appeal of annulment, brought by PT Comunicações, S.A, on 12.09.2001, in respect of the Determination of the Board of Directors of ICP-ANACOM of 21.02.2001, in which the Board, considering that PTC had presented an "Offer of Access to ISPs" on 13 February 2001, ordered PTC to introduce several changes to this alleged offer, through the issuance of a PRAI, to be published by 01.03.2001.
ICP-ANACOM submitted its response on 27.11.2001.
Ruling on 07.07.2008, the Administrative and Fiscal Court of Sintra rejected the appeal, giving merit to the questions of non-appealability of the appealed Determination, dated 25.06.2001, and of inadmissibility due to the appeal date. The case is closed.
- Special Administrative Action, brought by Vodafone, on 30.05.2005, seeking the annulment or declaration of invalidity of the Determination of the Board of Directors of ICP-ANACOM of 09.02.2005 on the Audit of Statistical Items of LMS Operators during the final quarter of 2003, under the terms of which it was determined that, within one month, the necessary procedures be implemented to remove and correct the situations referred to therein, so that in the future the indicators be sent based on the definitions set out in the current statistical form.
ICP-ANACOM challenged on 13.07.2005.
Later ICP-ANACOM conducted a second audit on the use of spectrum by the providers of LMS during the years of 2002, 2003 and 2004, whose reports were approved by Determination of the Board of Directors of ICP-ANACOM of 28.02.2007, giving rise to the settlement of additional fees due during these years.
Lisbon Administrative Circuit Court, considering that the Determination of 28.02.2007 provides tacit repeal of the determination of 09.02.2005, terminated the proceedings on the grounds of impossibility of adjudication. The case is closed.
- Special Administrative Action, brought by PTC, on 14.07.2005, which sought the declaration of partial nullity or partial annulment of the Determination issued on 2005.04.13 by the Board of Directors of ICP-ANACOM on price changes to be made to RUO (Reference Unbundling Offer).
ICP-ANACOM submitted its challenge on 09.12.2005.
By application filed on 16.07.2008 at the Lisbon Administrative Circuit Court, PTC waived the request.
Ruling on 24.09.2008, the Court approved the waiver submitted by PTC, extinguishing the right which it was intended to enforce. The case is closed.
- Special Administrative Action, brought by PTC on 26.09.2006, seeking the annulment of the Determination of the Board of Directors of ICP-ANACOM of 26.05.2006 on the "*Leased Lines Reference Offer*".
ICP-ANACOM challenged on 07.11.2006.
In 2008, PTC withdrew the request.
Ruling on 01.10.2008, the Lisbon Administrative Circuit Court approved PTC's withdrawal and absolved ICP-ANACOM from the application. The case is closed.
- Joint Administrative Action, brought by BLUE CARD - Serviços de Telecomunicações Informáticas, LDA, on 11.07.2007, seeking clarification of points of Law, including whether Regulatory Order no. 1230/99 is a Regulation and, if not, whether it is ineffective due to the fact that it was published in the 2nd Series of the *Diário da República* and not in the 1st Series-B in accordance with article 3, paragraph 3, point d) of Law no. 74/98 of 11 November, and to further ascertain whether the repeal of the Decree-Law which gave grounds thereto and its replacement by Law no. 5/2004 of 10 February led to the termination of the validity of said regulation.
ICP-ANACOM lodged a challenge on 17.12.2007.
Ruling on 20.10.2008, the Administrative and Fiscal Court of Almada upheld the plea of inadmissibility of the error in the process, refraining from knowing the application, acquitting the defendant of the proceedings. The case is closed.

Universal Service of Telecommunications

- Judicial Appeal, brought by PTC on 24.02.2005, of the order of the Court handed down on 04.11.2002, which rejected the appeal for annulment brought by PTC against the Determination of the Board of Directors of ICP-ANACOM of 14.06.2002 on the conditions for the provision of the Telephone Directory Service and Information Service in respect of the Universal Service. ICP-ANACOM submitted its claims on 04.04.2005. By requisition presented on 16.07.2008 to the Lisbon Administrative Circuit Court, PTC withdrew the application. Ruling on 24.09.2008, the Court approved PTC's request of withdrawal. The case is closed.

Leased Circuits Service

- Special Administrative Action, brought by PTC on 10.05.2004, following the Determination of ICP-ANACOM of 10.02.2004 on "*restructuring of the conditions governing the leased circuits service provided by PTC*". ICP-ANACOM had challenged on 22.09.2004. Ruling on 07.07.2008, the Lisbon Administrative Circuit Court decided to reject the appeal, giving merit to questions of non-appealability of the appealed Determination, dated 25.06.2001, and of inadmissibility due to the appeal date. The case is closed.

In the Administrative Circuit Court of Lisbon, there were further two statements of condemnation brought against ICP-ANACOM, one of which closed as follows:

- The action brought by Casa Viola - Lotarias, Lda., on 20.06.2001, which sought the condemnation of ICP-ANACOM to the payment of compensation for loss suffered by the undue seizure of telecommunications terminal equipment. ICP-ANACOM had submitted its challenge on 18.09.2001. Ruling on 28.05.2008, the Lisbon Administrative Circuit Court upheld the plea that the right to compensation was time-barred, due to the fact that up to the date of commencement of the action, a period of 3 years had elapsed, and acquitted ICP-ANACOM of the application.

Legal challenges to fees applied by ICP-ANACOM

In 2008, presentation was made of two judicial appeals of acts of fee settlement, one with reference to the additional settlement of fees for the use of the radio spectrum for all six-month periods of the years 2002 through 2004, inclusive, brought by Vodafone, and another regarding the annual fee in respect of the exercise of the activity of the provision of Electronic Communications networks and services in 2007, brought by WORLDBROKER Telecomunicações, LDA.

ICP-ANACOM prepared the challenges to be submitted by representatives of the tax authorities.

It also continued to monitor the 17 judicial appeals of fees initiated in previous years.

Special Judicial Process for the Recovery of Companies and Bankruptcies

36 special judicial process for the recovery of companies and of bankruptcies were accompanied, in which ICP-ANACOM participated in the quality of creditor, in the most part due to claims resulting from the non-payment of fees. During 2008, two of the pending cases were concluded.

In 2008, there were a further three new insolvency proceedings (under the new regime established by the Insolvency and Corporate Recovery Code), in respect of debts due to ICP-ANACOM arising from the non-payment of fees.

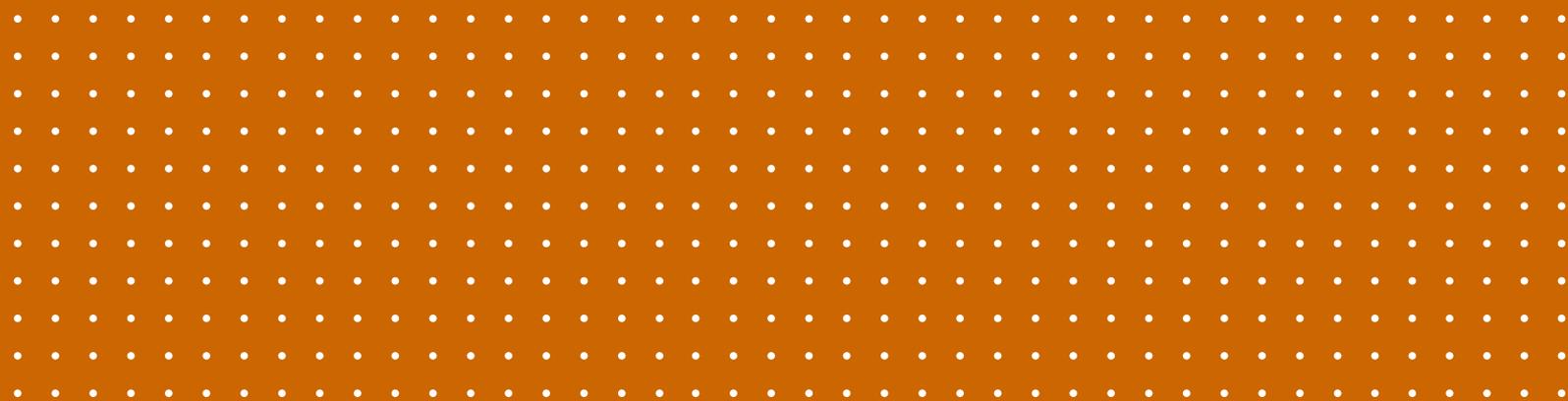
Tax Foreclosures

Accompaniment continued over the course of 2008 of six cases of tax foreclosure brought forward from preceding years.

In 2008, one new process was begun.

03.

International Activity



This activity is undertaken at three different levels:

As part of its remit as advisor to the Government, ICP-ANACOM is mandated by the Government to represent the Portuguese State as a competent body in the communications sector.

Furthermore, in the exercise of its duties and powers, ICP-ANACOM participates in community and international *fora*, in particular from a perspective of the necessary development and application of measures of market regulation.

Cooperation represents another aspect of this Authority's international intervention, including bilateral cooperation with its counterparts, in particular, and among others, with Portuguese-speaking African countries (PALOP) - Angola, Cape Verde, Guinea Bissau, Mozambique and Sao Tome and Principe - as well as Brazil and East Timor.

● Representation of the Portuguese State

European Union (EU)

Council of Transport, Telecommunications and Energy (TTE)

ICP-ANACOM participated, in cooperation with the permanent national representatives (REPER) to the EU, in the postal and telecommunications group.

It also provided support to the Government in negotiations in the TTE Council, especially in the following fields:

Review of Regulatory Framework - presented the progress reports (first half) and adoption of political agreement (second half) on proposals for the review of the regulatory framework for electronic communications.

Postal Services - Publication of Directive 2008/6/EC amending Directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services. The main proposal set out in this directive is the opening up of the postal market by 31 December 2010, while at the same time ensuring provision of the universal postal service to all users, irrespective of where they are in the Union.

Mobile Satellite Services (MSS) - Publication of Decision no. 626/2008/EC to create, at European level, a common procedure for selection of the operators of mobile satellite systems and establish provisions for the coordinated authorization by the Member States of the operators of MSS selected to operate in the 2 GHz band, pursuant to Decision 626/2008/EC and Call for Applications 2008/C201/03.

International roaming - Adoption of General Guidelines on the Review of the Regulation of international roaming, with the aim of extending the term of voice regulation, introducing regulation of SMS and data services and increasing measures of transparency.

GSM Directive - Presentation of a proposal amending the GSM Directive (87/372/ECC) which aims to allow the frequencies of this technology to be used for other mobile services.

Digital Dividend - Approval of the conclusions of the Council on the Commission Communication "Reaping the full benefits of the digital dividend in Europe: a common approach to the use of the spectrum released by the digital switchover".

ENISA - Adoption of a general approach on the amendment of Regulation no. 460/2004 establishing the European Network and Information Security Agency (ENISA).

i2010 - Adoption of the conclusions of the Council on i2010 - 2008 Annual Report on the Information Society.

Networks and the Internet of the future - Approval of the Conclusions on the networks and the Internet of the future, based on a Commission communication.

Note should also be made of participation in the World Summit on the Information Society, the Galileo initiatives, WTO, EUROMED, MERCOSUR, Gulf countries whose coordination is ensured at national level by the Ministry of Foreign Affairs.

Committees and Groups of the European Commission (EC)

ICP-ANACOM represented the Portuguese State at the Committees and Working Groups detailed below:

Communications Committee (COCOM)

As part of this Committee's work, approval was given to the following documents:

- Recommendation on the authorization of mobile communications services on board aircraft (MCA services) in the European Community;
- Recommendation on non-technical conditions governing the rights to use radio frequencies, in accordance with the regulatory framework for electronic communications in the context of the Wireless Access Policy for Electronic Communications (WAPECS);
- Recommendation on procedures associated with the notifications, time limits and consultations undertaken pursuant to article 7 of the Framework Directive;
- Report on broadband.

At the end of the year, two proposed recommendations were still under discussion - one on regulated access to next generation networks and the other on the harmonized regulation of termination rates in the European Union.

Particular note should be made of ICP-ANACOM's contribution in developing the first annual questionnaire (for the year 2007) on the implementation of the European 112 emergency number.

This Authority also followed the meetings of the EGEEA - Expert Group on Emergency Access and participated in a new working group established to support the Commission in the process of selecting MSS systems in the 2 GHz band, arising from the Decision 626/2008/EC.

Radio Spectrum Committee (RSC)

Of the activity of the RSC in 2008 (Radio Spectrum Committee), note should be made of the adoption of the following draft Decisions:

- Decision amending Decision 2005/928/EC on the harmonization of the 169.4-169.8125 MHz frequency band in the Community, which aims to allow the use of various channelling options, providing users with greater flexibility in the choice of optimal channelling, in accordance with the quality requirements of specific applications for the 169.4000-169.4750 MHz and 169.4875-169.5875 MHz bands;
- Decision on the harmonized use of radio spectrum in the 5875-5905 MHz frequency band for safety applications in the area of smart vehicle communications (ITS - Intelligent Transport Systems);
- Decision on the harmonization of the 2500-2690 MHz bands for terrestrial systems capable of providing pan-european electronic communications in the Community, without loss of protection and continuity of other uses of this band;
- Decision amending Decision 2006/771/EC on the harmonization of radio frequencies for use by short-range and low-power equipment;

- Decision on the harmonization of the 3400-3800 MHz frequency band for terrestrial systems capable of providing services of wireless broadband access in the Community (BWA - Broadband Wireless Access);
- Decision on the harmonized conditions of use of the spectrum for the operation of mobile communications services on board aircraft (MCA) in the Community, in order to avoid interference to land mobile systems.

TCAM

Over the course of 2008, TCAM (Telecommunications Conformity Assessment and Market Surveillance Committee) looked at issues concerning the implementation of Directive 1999/5/EC of 9 March on radio and telecommunications terminal equipment and mutual recognition of conformity.

Radio Spectrum Policy Group (RSPG)

As part of this group's activities, note should be made of the adoption of two opinions, one on optimizing the regulatory environment of spectrum use and the other on aspects of an European approach to collective spectrum use.

The first opinion characterizes and analyses the key points of the current situation. It was concluded that the regulatory process governing the use of spectrum/equipment operates satisfactorily, in particular with regard to interaction between ETSI, CEPT and the European Commission (EC), noting however that there are areas of overlap, particularly between the work of the EC and CEPT.

The presented Recommendations are essentially aimed at overcoming these issues and at improving the efficiency of the link between the EC/CEPT and ETSI.

The other opinion concerns the collective use of the spectrum, where by definition, the CUS model provides for the simultaneous use of an undetermined number of independent users and/or applications in specific spectrum bands and in a particular geographical area, by establishing a minimum set of technical conditions, with the primary objective of reducing barriers to spectrum access.

A further Opinion was adopted to support Member States in the coordination of frequencies with countries outside the European Union, which sets out a raft of recommendations to improve and resolve problems of border coordination.

The Working Group on Electromagnetic Compatibility (EMC Working Party)

This group assessed the impact and implications arising from the transposition of Directive 2004/108/EC of the European Parliament and of the Council of 15 December, aimed at harmonizing Member State legislation in relation to electromagnetic compatibility.

Postal Directive Committee

Of the activity of this Committee in 2008, particular note should be made of the discussion of the implementation process of the Postal Directive, the preparation and accompaniment of the Congress of the Universal Postal Union (UPU) and the preparation of the postal agenda for 2009.

With respect to the working group established by the Postal Directive Committee in April 2008 to monitor the issues related to the transposition of the Postal Directive 2008/6/EC of 20/02/2008, amending Directive 97/67/EC with respect to full realization of the internal market for Community postal services, ICP-ANACOM participated in two meetings, which took place in September and October, on safeguarding the universal postal service, barriers to competition and ways to overcome them.

ICP-ANACOM also contributed to sectoral negotiations in the context of the World Trade Organization (WTO), under the European coordination committee (committee 133).

International Telecommunication Union (ITU)

Council

The ordinary session of the Council was held in Geneva in November, in the context of the High-Level Segment (HLS), and addressed the topics "ICT (Information and Communication Technologies) and climate change" and "Cyber-security".

Among the items on the agenda, mention should be made of the assessment of the results of the World Telecommunications Standardization Assembly (WTSA-08).

Furthermore, in connection with Global Cybersecurity Agenda (GCA), the ITU Secretary-General decided to establish a Group of High-Level Experts on Cybersecurity (HLEG) with the objective of providing assistance in the development of strategic proposals for Member States in the five pillars of GCA, including: Legislative Measures, Technical and procedural Measures, Organizational Structures, Capacity Building and International Cooperation.

This group, in which ICP-ANACOM was represented, comprised representatives from Government, industry, regional and international organizations, and academic and research institutions, as well as individual experts. As a result of the work, a final report was produced, which can be consulted on the website of the ITU.

Regarding the improvement of the functioning of the Union, where Portugal has taken the lead on behalf of Europe during the debates in the 2006 ITU Plenipotentiary Conference (PP-06), it was decided to launch a consultation of all members, with the result of this consultation contributing to the proposal that the Secretary-General will make at the next Council, and subsequently at PP-10.

Reference should also be made to the approval of the creation of a sub-group of the ITU Council Working Group, which monitors the implementation of the outcome of the World Summit on the Information Society (WSIS), to discuss public policy issues related to the Internet, as proposed by WTSA-08.

Portugal/ITU Memorandum of Understanding: WTPF-09 and Centre of Excellence

Regarding the participation of Portugal in the ITU, particular attention should be given to the performance and development of a Memorandum of Understanding signed between the Portuguese Government, represented by the Minister of Public Works, Transport and Communications and the ITU in December 2007, which established a programme of cooperation in the area of telecommunications and the information society.

In this context of this protocol and on behalf of the Government, ICP-ANACOM invited this agency of the United Nations to hold the fourth World Telecommunication Policy Forum (WTPF-09) in our country.

In October, an Agreement was signed between the Portuguese Republic and the ITU concerning the conditions for the organization and financing of WTPF-09, with ICP-ANACOM charged, in cooperation with the ministries and entities involved, with advising the Government in preparing the event, in terms of both logistics and content, whereby preparatory activities were begun in 2008 for the event scheduled for April 2009.

In the context of the ITU and also with respect to the Memorandum of Understanding between the Portuguese Government and the ITU, ICP-ANACOM actively cooperated on behalf of Portugal in the creation of a Centre of Excellence (CoE) for Portuguese and Spanish speaking African countries (see Section 3.3.1.4.).

Universal Postal Union (UPU)

24th UPU Congress

The UPU congress, the highest body of this specialized United Nations agency, brings together plenipotentiaries of all member countries every four years. Originally planned to take place in Nairobi, during August, given the violent situation and the social and political instability in the country, the Congress finally took place in Geneva, Switzerland, with Kenya continuing to benefit from the privileges of the host country: to chair the Board during the next cycle and be eligible to be the host country of the Strategic Conference held mid-cycle in 2010. The conference brought together about 2,500 delegates, plenipotentiaries from 179 of the 191 UPU member countries. The Portuguese delegation was composed of representatives from ICP-ANACOM, CTT and the MNE (Mission in Geneva).

Among the most relevant decisions of the Congress, note should be made of the adoption of the Nairobi Postal Strategy and policy of cooperation for the four year period of 2009-2012, the new Agreement on Postal Services Fees, the review of the global system of terminal dues for international postal communications, and at an internal level, progress made in reforming the Union and approval of the financial plan for the 2009-2012 four year period. It should also be noted that Portugal was elected as a permanent member of the Postal Operations Council, assuming the role of observer in the Council of Administration until 2012.

Council of Administration and Postal Operations Council

ICP-ANACOM participated in the working groups, committees and sessions of the Administration Council (AC) and Postal Operations Council (POC), together with representatives of CTT. The first joint meeting of both councils began with a World Round Table on terminal dues with the aim of promoting discussion on a new global system of terminal dues to be adopted by the UPU Congress. During the session a proposal was also presented for restructuring the two Councils for the next cycle (2009/2012), with the aim of simplifying the organizational structure of the POC and streamlining resources and reducing costs.

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

In 2008, ICP-ANACOM participated in the work of the Executive and Consultative Committee (CCE) and in the Postal Regulation Forum. It also followed the working groups of Postal Regulation, Technical Cooperation, Strategic Planning, Terminal Dues and Future Development, the last of these chaired by Portugal (CTT). The Forum discussed issues of the universal service and its funding model, the importance of collecting market information and the need for Latin American countries to have their own regulator, since the reality of the postal sector in this region is different from that of Europe.

Organization for Economic Co-Operation and Development (OECD)

OECD Ministerial Meeting on "The Future of the Internet Economy"

ICP-ANACOM attended the OECD Ministerial Meeting on the Future of the Internet Economy, held in Seoul, in June. There was discussion of issues related to opportunities for economic and social development, convergence, creativity and security. In this context, it was concluded that countries should continue to increase efforts to develop an Internet access network, including mobile, with other issues addressed including identity theft, data privacy and network security, as well as the growing interest in environmental issues and the benefits of the Internet.

The meeting culminated with the adoption of the Seoul Declaration which sets out a commitment to facilitate convergence between digital networks, equipment and services, to strengthen confidence in the Internet, network security through infrastructure protection at national and international level, protection of consumers, personal data and digital identities, and the reduction of malicious activity and the use of the Internet's potential to take on global challenges such as improving energy efficiency and environmental sustainability.

ICCP

ICP-ANACOM was represented at the three meetings held in the context of the Committee for Information, Computer and Communications Policy (ICCP), the OECD body that examines the policy issues arising from the development and application of technologies and services in the area of information, computing and communications, including their impact on the economy and society in general and in the strengthening of cooperation between Member States and non-members.

It is noted that Portugal took over the vice-presidency and that the mandates of the ICCP and its working groups, which will apply until the end of 2013, were reviewed.

Working Party on Information Security and Privacy (WPISP)

During 2008, Portugal, through ICP-ANACOM, continued to fulfil the role of one of the Vice-Chairs of this Working Party. Discussion included the following subjects: Economics of Malware, Digital Identity Protection, Policy for the Protection of Critical Information Infrastructure, Radio Frequency Identifiers (RFID).

European Satellite Telecommunications Organization (EUTELSAT IGO)

ICP-ANACOM provided national representation in the National Assembly of Parties of EUTELSAT IGO and in the Advisory Committee, a support body of the organization's executive structure, comprising the Secretariat and the Executive Secretary. In 2008, there were two meetings of this Committee in which analysis was made of the level of compliance by the operator Eutelsat in its operational and commercial activity with the basic principles stipulated by the IGO and their obligations in terms of universal service.

In this context reference should be made to the renewal of the mandate of the Executive Secretary of the organization. Following a proposal of Portugal, it was decided to go ahead with a formal process of nominations to the position, continuing until the end of February 2009.

International Telecommunications Satellite Organization (ITSO)

The election of the Director General of ITSO was held during the 32nd Assembly of Parties which was organized by ICP-ANACOM, in Estoril in October. The election was contested between a portuguese candidate and a candidate from Benin, with the portuguese candidate elected by a large majority. The Director General elect will take up functions in July 2009.

It is noted that this Assembly discussed the precarious financial position of the operator Intelsat and the future of ITSO after 2013.

ICP-ANACOM provides government representation in the Assembly of Parties and for next two years will assume the presidency of the General Assembly.

International Mobile Satellite Organization (IMSO)

ICP-ANACOM provides national representation in both the Assembly of Parties of IMSO, the highest body of the organization, and the Advisory Committee as an observer.

In September/October, the 20th Assembly of Parties was held in Malta, where approval was given to the amendments to the IMSO Convention, following the base proposal made by the United States of America. Such amendments have provisional application, and Portugal expressed the impossibility of their application, for constitutional reasons. Essentially, these amendments seek to extend the functions of IMSO to the supervision of future providers of satellite services for the Global Maritime Distress Safety System (GMDSS) which are authorized for such by the International Maritime Organization (IMO), in a manner identical to that applied to Inmarsat. With respect to the Long Range Identification and Tracking of Ships (LRIT), the amendments will enable the IMSO to assume new functions as LRIT coordinator, a system being developed by IMO to improve safety in maritime transport.

● Technical Representation

Regarding the GMDSS, the Assembly also discussed the entry of new operators in the system, with approval given to the text of the future Reference Agreement of Public Services.

Regulation Organizations

European Regulators Group (ERG)

The ERG, established by Commission Decision no. 2002/627/EC, worked closely with the Commission in drafting legislative proposals aimed at revising the regulatory framework and also in the construction of a new institutional model, and issued a statement on the progress of the Community legal framework for electronic communications.

There was submission to public consultation of a document on the regulatory approach to next generation networks and a proposal for a Common Position on the geographic aspects of market analysis. Following these consultations, approval was given to a Joint Declaration on next generation networks and a response to the draft Recommendation on regulated access to next generation networks. Approval was also given to a Common position and a report was published on the geographic aspects of market analysis.

Additionally, note should be made of the publication of a report on the data collection process resulting from the application of the regulation of roaming, participation in the public consultation on international roaming, the response to the European Commission's public consultation on termination rates, the adoption of an action plan to implement the provisions of the Common Position on symmetry in termination rates, the publication of a report on the regulatory accounting systems used by members of the ERG in 2008 and another on the methodology for the comparison of retail prices for broadband services and approval, at the end of the year, of a statement on the development of access to next generation networks.

As a result of the Plenary held in Vilnius in May, the Presidencies of the ERG and the Radio Spectrum Policy Group (RSPG) agreed on the development of a plan for future cooperation that would be materialized through the creation of a joint working group to examine issues of spectrum regulation, particularly the relationship between competition and the new spectrum management. The first meeting of this group took place in Gothenburg, where the subjects dealt with included transition, market definition, and analysis of dominant position, in the context of "spectrum trading".

Independent Regulators Group (IRG)

The IRG (Independent Regulators Group) is a group with participation of the National Regulatory Authorities (NRAs) of the communications sector of the 27 Member States of the European Union, as well as countries of the European Economic Area (Switzerland, Iceland, Norway and Liechtenstein) and the EU candidate countries (Turkey, Croatia and Macedonia). ICP-ANACOM was present at all sessions and preparatory meetings, participating in an operational intermediary group with representatives of each NRA, known as the Contact Network.

In 2008, the IRG changed legal status to an association under Belgian private law, with the constitution for the first time of a professional secretariat.

ICP-ANACOM gave priority to its presence and participation in the following working groups: Review of Regulatory Framework, Mobile Termination Rates, Convergence, End-Users, IRGIS (IRG information system), Benchmark, Roaming and presided over two of these (End-Users and IRGIS).

Among the matters addressed, particular note should be made of CERT (Finland and Switzerland), attacks on websites (Lithuania), existing or future regulations on the subject (Finnish Communications Regulatory Authority - FICORA and the Hellenic Telecommunications & Post Commission - EETT), network resilience (the European Network and Information Security Agency - ENISA).

ICP-ANACOM also followed the "Informal IRG Working Group on Network and Information Security", a favoured forum for exchange of experiences on matters related to network and information security, which saw participation of ENISA members.

ICP-ANACOM was also involved in the preparation of the Common Position on symmetry in Fixed and Mobile Terminations and in the preparation of a response to the public consultation launched by the European Commission on a draft Recommendation on prices of Fixed and Mobile Termination in the EU.

Regulatel

Regulatel, the Latin American Forum of Telecommunications Regulators, has a mission to exchange information on the regulatory framework of each administration with the intention of harmonizing the rules and activities of the Regulatory Authorities. With a nature which is similar to that of the European groups, ERG and IRG, it aims to foster cooperation and coordination of activities in the field of telecommunications, promoting the development of the sector in Latin America.

ICP-ANACOM participated in the VIII meeting between the chairs of Regulatel and the IRG and the XI plenary of the chairs of Regulatel, which took place in Lima.

EMERG

June 2008 saw the official creation of the Euro-Mediterranean network of Regulators (EMERG), which brings together representatives of regulators of the electronic communications sector from around the Mediterranean region, including members of the Independent Regulators Group (IRG), from North Africa and the Middle East. ICP-ANACOM attended the first plenary in Malta, as a founding member. The aims of this network of regulators include the sharing of experiences and further consolidation and harmonization of the principles of regulation. Alongside these objectives, there is recognition of the existence of challenges and opportunities which may be reflected in promoting competition and stability in the electronic communications markets, the development of new technologies and overcoming the digital divide, making the benefits of the information society accessible to all.

Other Organizations

ITU Sectors

Standardization Sector (ITU-T)

The World Telecommunication Standardization Assembly (WTSA-08), the highest body of the Standardization Sector, took place in October in Johannesburg. New Resolutions were adopted, in particular, on accessibility for people with disabilities and there was discussion on the role of information and communication technologies in reducing the impact of climate change.

In addition, a Recommendation was approved on network externalities, although with reservations expressed by several countries, including Portugal.

Telecommunication Development Sector (ITU-D)

In the annual meeting of the Telecommunications Development Advisory Group (TDAG), which took place in February, the need was shown for the definition of indicators (key project indicators - KPIs), which are quantitative and qualitative, to measure the implementation of the operational plan, for which purpose a working group was established.

Events with relevance to the sector were examined, particularly the Global Symposium for Regulators and the Connect Africa Summit (Geneva, October 2008), which were considered a true success, given the large amount of funding achieved for projects linked to the development of telecommunications in Africa.

Special mention should be made of ICP-ANACOM's support for the 2008 edition of the programme Youth Education Scheme (YES) of the ITU, as in 2004 and 2007. This initiative of the ITU's Telecommunication Development Bureau, which is part of the ITU Youth Programme, aims to support needy youngsters from developing countries who wish to complete higher education in the field of information and communication technologies (ICT) and related areas and who wish to contribute to the development of their community, country or region.

As part of the programme of cooperation with Portuguese-speaking countries, ICP-ANACOM's sponsorship focused solely on candidates from Portuguese-speaking African countries (PALOP).

Radiocommunication Sector (ITU-R)

The 15th meeting of the Advisory Group (RAG), which took place in February in Geneva, examined the decisions of the 2007 session of the Council and issues addressed in the Radiocommunications Assembly and at the World Radiocommunication Conference. This conference saw the creation of 35 new Resolutions, while note should also be made of the restructuring of the sector Study Committees, including the creation of a new Study Committee 5 (dedicated to terrestrial services) and the modification of Committee 4 (satellite services), as well as the appointment of chairs and vice-chairs of the Study Committee, of the Conference Preparatory Meeting (CPM), the Committee for Coordination of Vocabulary, the Special Committee, and the RAG itself.

ICP-ANACOM also participated in other working groups, in particular WP 1A (responsible for research on Spectrum Engineering Techniques and dealing with matters related to the WRC, the PLT (Power Line Telecommunications) and review of several ITU Recommendations), in WP 1B (responsible for studies on methods of Spectrum Management and Economic Strategies, dealing with issues such as SRD (Short Range Devices), SDR & CR (Software Defined Radio & Cognitive Radio) and with Resolution 951) in WP 4B (responsible for studies related to satellite radio services), in WP 5A (responsible for studies related to the land mobile service, excluding IMT and the amateur and amateur satellite services) in WP 5B, responsible for studies related to the maritime mobile service, including the GMDSS (Global Maritime Distress and Safety System), the aeronautical mobile service and radiodetermination, dedicated to the development of technical and operational specifications of weather radar systems and maritime mobile service systems in metric and decametric waves, in WP 5C (responsible for the technical aspects related to the fixed service, including the development of new frequency plans and the establishment of criteria for spectrum sharing between systems of the fixed service and other services) in WP6A (responsible for studies related to the broadcasting service, in particular the transition from analogic to digital technology) and JTG 5-6 (created by CPM11-1 "Conference Preparatory Meeting 2011", which requires the completion of studies of sharing between the mobile service and other services for which the 790-862 MHz band is allocated: broadcast services, fixed, mobile and aeronautical radio navigation - in Regions 1 and 3, according to Resolution 749).

European Conference of Postal and Telecommunications Administrations (CEPT)

The objectives of the CEPT include the harmonization of technical and regulatory matters, as well as the coordination of European regional positions in respect of the work of the international organizations in the sector, namely the ITU and the Universal Postal Union (UPU).

In 2008, ICP-ANACOM participated in the CEPT Assembly - its highest body -, which was held in June, in Malta, and which continued work reforming the organization.

EC Mandates to CEPT

In 2008, the following work was undertaken in response to mandates issued to the CEPT by the EC:

- SRD - with respect to the permanent mandate, with the objective of conducting an annual review of the Annex to the EC Decision on the harmonization of the spectrum for SRDs, including the technical characteristics and the frequency ranges of this type of equipment, whereby analysis was conducted of amendment proposals presented by the EC;
- UWB (Ultra Wide Band) - mandate to identify the technical and operational conditions related to the harmonized introduction in the EU of UWB - based applications;
- Digital Dividend - mandate to conduct the necessary technical studies aimed at defining not only the optimal technical conditions for the use of the 790-862 MHz sub-band by fixed/mobile electronic communications, but also by other potential networks or services, taking into account the co-existence of existing services, including the broadcasting service;
- MCV (Mobile Communications on Vessels) - a report was prepared (ECC REPORT 122) on GSM on board vessels in the 900 MHz and 1800 MHz bands, following the mandate to identify the technical and operational conditions necessary to ensure the absence of harmful interference in radio services operating in the 900 MHz and 1800 MHz frequency range, in the territorial waters of Member States.

European Communications Office (ECO)

ICP-ANACOM provided representation of the Portuguese Administration on the Boards of the European Radiocommunications Office (ERO) and the European Telecommunications Office (ETO), which met jointly in May and December, having chosen the new Chair and Vice-Chair (Netherlands and Norway, respectively). The joint Council conducted an analysis of the financial implications of the ongoing restructuring in the CEPT and approved the general principle of cost recovery to finance future activities. It was agreed that a proposal will be presented at the next Assembly that all 48 states participating in the organization bear the future costs of the ECO, which is currently supported only by the 29 countries that subscribed to the Convention. Regarding the ratification of the Convention establishing the ECO, resulting from the merger of the ERO and ETO, it is anticipated that this shall enter into force in early 2009, with the Office able to operate simultaneously. The Office prepared the 2009 celebrations of the 50th anniversary of the CEPT, in parallel with the completion of the organization's 15th Conference, which will take place in Montreux, in October.

Electronic Communications Committee (ECC)

The activity of this Committee in 2008 included the approval of the following decisions:

- Harmonized use of the 5 875-5 925 MHz frequency band by Intelligent Transport Systems (ITS);
- Harmonization of frequency bands for the implementation of digital systems for Public Protection and Disaster Relief (PPDR) in the 380-470 MHz range;
- Harmonized use of GSM systems on board vessels in the 880-915/925-960 MHz and 1 710-1 785/1 805-1 880 frequency bands.

Reviews were also conducted on the Decisions on the "Free circulation of radio equipment in CEPT countries" and on "Regulatory provisions for UWB applications using mitigation techniques".

Regarding the accompaniment of the ECC subgroups, ICP-ANACOM gave priority to its presence in the working groups and project teams of Frequency Management, Spectrum Engineering, Regulatory Affairs, IMT-2000 and Other Systems, Preparation of Conferences, Numbering and Addressing and Technical Aspects of interconnection. The following results obtained by these groups are highlighted below:

- The Frequency Management Working Group (WG FM) continued with activities with respect to radio spectrum harmonization at a european level, in the context of radio services and systems;
- Spectrum Engineering Working Group (SE WB) carried out studies that resulted in recommendations and reports to establish compatibility criteria between different radio systems. Note should be made of the reports on microphone transmitters (PWMS), specific UWB applications (ODC) and the Decision on the introduction of mobile services on board vessels (GSMOBV);
- Regulatory Affairs Working Group (RA WG) worked on the harmonization of regulatory technical standards and procedures at a european level, especially the review of Decisions on free circulation, use and exemption from individual licencing of terminals, analysis on the applicability of the R&TTE (Radio and Telecommunication Terminal Equipment) and EMC (Electromagnetic Compatibility) Directives;
- The Conference Preparatory Group (CPG) began preparation for the World Radiocommunication Conference which will take place in 2011, creating four projects for this purpose which will have the following issues on their agendas:

- PT-A (General regulatory and technical issues): technical aspects, regulations and procedures pertaining to various topics under discussion with respect to the agenda of WRC-11; coordination of European positions at the RA (Radiocommunications Assembly ITU-R), included in the structure of ITU-R. Additionally, as part of its mandate, the project team should coordinate the positions of the CEPT at the CPM (Conference Preparatory Meeting) and the SCRPM (Special Committee on Regulatory/Procedural Matters), and propose the creation or modification of the Rules of Procedure, presented by the RRB (Radio Regulations Board) with the aim of improving the interpretation and application of the RR;
 - PT-B (Scientific issues): aspects of the WRC-11 agenda associated with scientific services and the coordination of European positions to be put forward at the RA;
 - PT-C (Aeronautical, radiolocation, maritime, amateur): formulation of CEPT positions with respect to issues associated with the aeronautical mobile service, radiolocation, maritime, and amateur service on the WRC-11 agenda, as well as the coordination of European positions to be put forward at the RA;
 - PT-D (Various): coordination of various issues associated with ENG (Electronic News Gathering), fixed service, UHF band, HAPS and mobile satellite service.
- The ECC PT1 Group, responsible for all IMT matters should coordinate contributions and European positions on issues of spectrum planning and sharing/compatibility;
 - The ECC TG3 Group which responded to the mandates of the EC to the study mitigation techniques and the development of regulatory solutions for generic UWB devices;
 - The ECC TG4 Group, which concluded its work on the first mandate of the EC to study the technical constraints with a view to the adoption of a harmonized policy for the digital dividend in the EU, presented Report CEPT 23 regarding the possibility of using the spectrum without harmonization between the awards and allocations of DVB-T (so-called “white spaces”) by future applications or services and CEPT Report 24 which contains a technical roadmap of the various technical options and possible scenarios for the optimization of the digital dividend;
 - FM PT 46, which conducted its activity with respect to the maritime mobile service and maritime radionavigation.

European Committee for Postal Regulation (CERP)

2008 was marked by the adoption of a new structure for the CERP with only two Working Groups, with nine Project Teams reporting to these Groups, maintaining the Plenary as the final provider of approval to the Committee’s work.

At the plenary meeting held in May in Riga, the reports of the various working groups and project teams were presented and the restructuring of the CEPT and its impact on CERP was discussed. Germany was elected to the Presidency, and Ireland to the vice-presidency.

At the October plenary session in Athens, approval was given to the new CERP structure and there was participation of guests from the European Commission who addressed the theme of the current phase of postal liberalization in Europe.

Working Group on ITU Affairs

This group of CEPT is responsible for political and strategic issues related to the ITU and reports to the organization’s Plenary.

The group focused on preparations for the World Telecommunications Standardization Assembly (WTSA-08), having analysed the results of the latest TSAG meeting and approved the terms of reference and mandate of Project Team preparing this Assembly. In addition, the Common European Proposals (CEP) for WTSA-08 were adopted, as well as the CEP on network externalities, contrary to that proposed by the CEPT. The European countries presented, however, a reservation on the implementation of this Recommendation.

European Telecommunications Standards Institute (ETSI)

ICP-ANACOM is a member of ETSI in the Administration category, and participated in this quality in the two General Assemblies, the highest body of ETSI, in Nice.

ETSI is active in three areas: Global Standards Producer, Service Providing Organization and European Standards Organization, while in the area of standards special attention is given to the strategic issues of M2M Communication, Radio Spectrum, "Internet of Things" (including RFID), Interconnection of IP-based services, Services Oriented Architecture (SOA) and Core Network Harmonization.

ETSI increased the number of its members, totalling around 700, with increasing representation of bodies from other continents. Note should also be made of the increasingly strong cooperation with entities outside Europe, notably with China.

Internet Governance Forum (IGF)

ICP-ANACOM followed the work of the 3rd session of the Internet Governance Forum in Hyderabad (India), where issues were discussed such as access (with the goal of adding the next billion Internet users), cybersecurity and cybercrime (including the dichotomy of privacy vs. security), the management of critical/scarc resources (particularly the transition from IPv4 to IPv6 and articulation between the various stakeholders in the management of the Internet) and the Internet of the future. In particular, the following results should be noted:

- The contribution of ICT, and the Internet in particular, to the issue of climate change, particularly in terms of the circulation of information;
- The need for progress in the area of child protection. Indeed, while there are technical tools, there is a lack of tools of a social character, including the definition of what should be ensured in terms of privacy versus access to information;
- The great importance of granting tax credits or benefits with respect to the purchase of equipment, in order to reach the next billion users. Multilingualism has been identified as of great importance to achieve the desired increase in the number of accesses to the Internet;
- Accessibility from the perspective of ensuring that concerns such as the inclusion of people with special needs, needs to be properly ensured in the future model of Internet management (governance);
- Cybersecurity and legal aspects, namely the development of appropriate jurisdiction.

● Cooperation

Over recent years, ICP-ANACOM has played a particularly important role with regard to supporting the creation and development of regulatory bodies for communications in Portuguese-speaking countries. Today, all these countries have established independent regulatory authorities.

2008 was marked by a new strategy in ICP-ANACOM's cooperation policy, with the adoption of an approach which is more focused on the new paradigms of development at a global level, and especially at sectoral level.

New cooperation mechanisms were established which better correspond to the actual and changing needs of the countries involved. In parallel, new platforms of cooperation were established, in articulation with organizations and agencies aimed at providing support and development, in their public and private aspects.

Multilateral Cooperation

Association of Postal and Telecommunications Operators of the Portuguese-speaking Countries and Territories (AICEP)

ICP-ANACOM participated in and provided financial support to the General Assembly and XVI AICEP Forum, held in Praia, Cape Verde, and also contributed with a presentation on "The new challenges for regulation".

Community of Portuguese-speaking Countries (CPLP)

Centred on the theme "Prospects for regulation within the CPLP", this Authority participated in the Fifth Technical Meeting on Telecommunications of the Community of Portuguese-speaking Countries (CPLP), held in Praia (Cape Verde), in July 2008. This was the last technical telecommunications meeting of the CPLP held in this respect. However, the need was jointly agreed and identified for the creation of an Association of Communications and Telecommunications Regulators of the CPLP, which association should continue to promote the work which to date had been developed in this framework.

Association of Communications Regulators of the CPLP (ARCT-CPLP)

Following the decision referred to in the preceding paragraph, ICP-ANACOM took responsibility for coordinating a working group to draft the Statutes of this Association. Following this work, the Memorandum of Understanding was signed in October in Estoril, establishing the ARCT-CPLP with the mission of strengthening cooperation between the regulators of the Portuguese-speaking countries of the CPLP.

ICP-ANACOM has given priority to this project from the beginning and has been willing to assume the duties of a permanent secretariat of this Association.

Centre of Excellence (CoE ITU)

ICP-ANACOM actively participated in the creation of a Centre of Excellence (CoE) for Portuguese and Spanish speaking African countries (in which it was also possible to include East Timor as a beneficiary).

The agreement for the establishment of the CoE was signed with the ITU in October, in Estoril, whereby, with the establishment of the CoE - in line with those set up for francophone and anglophone African countries - a contribution will be made over the next four years (2009-2012) to raising the level of institutional qualification of the participants of the sector in Portuguese and Spanish speaking Africa, by means of training programmes which focus on areas of high priority.

This project is co-financed by Portugal and Spain, with Portugal, in addition to making a financial contribution, also willing to contribute in kind, taking on the cost of participation of portuguese trainers/experts in the training programmes taking place within the framework of this Authority's activities. The overall budget of this project is around 1.3 million dollars, with Portugal the main donor.

The management and decisions on the activities plan of the CoE will be provided by a Standing Committee established for the purpose, with representation of the ITU, and donor and recipient countries.

Training courses

In cooperation with the Portuguese-speaking African countries (PALOP) and East Timor, ICP-ANACOM conducted two training courses for technicians from the regulatory bodies of these countries - one on Spectrum management and another on Regulation of the Communications Sector. 23 technicians were involved in the course, from the regulators of PALOP and East Timor.

Bilateral Cooperation

Indicative Cooperation Programmes and Annual Cooperation Plans

2008 was marked by several initiatives in this area, including the following:

- Technical missions to identify specific needs of individual countries;
- Negotiation and definition of the Indicative Cooperation Programmes (ICP). The ICPs (schedule of activities by country, with minimum periods for implementation, of 3 years) set out the main areas of urgent action, which should be implemented through Annual Cooperation Plans (ACP), including a number of actions, thereby realising the areas or courses of action identified in the ICPs;
- Three ICPs were defined (with the regulators of Angola, Cape Verde and Mozambique) and the respective ACPs were contracted for 2009;
- Contractualization of the ACP for 2009 in the case of the Regulators of Sao Tome and Guinea Bissau, given that the needs identified were urgent and required intervention in the short term;
- Review of cooperation protocols and agreement of new protocols with the regulators of Angola, Cape Verde, Mozambique and Guinea Bissau and amendment of the protocol with Sao Tome and Principe.

Other actions

In 2008 the following initiatives merit particular note:

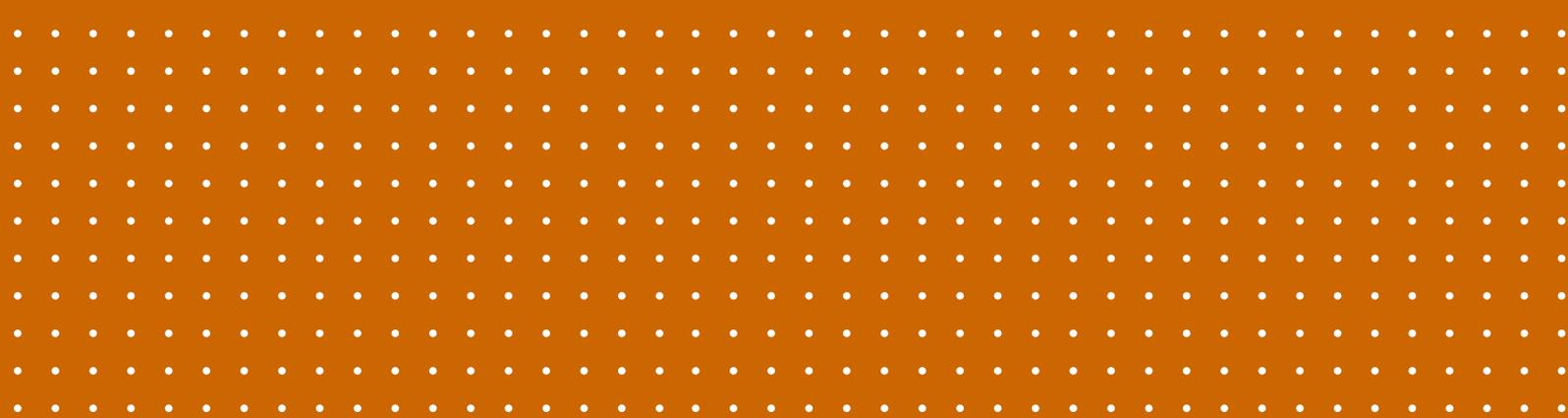
- Training course held in October by videoconference between ICP-ANACOM and the National Communications Institute of Mozambique (INCM), addressing postal sector issues. This initiative, which was supported by the Portuguese Embassy in Maputo, made it possible to bring 22 technicians (from the regulator and from the postal operators and Mozambique) together in the same room.
- 12th ordinary meeting of ANATEL (National Telecommunications Agency of Brazil) and ICP-ANACOM Coordination Commission which resulted in several commitments to jointly undertake work, particularly on the implementation of cost models, functional separation and broadband access, the creation of an information exchange between ICP-ANACOM and the manager of the Brazilian Internet Steering Committee (CGI) on the regulation of service providers and the creation of various working groups, organization of seminars and conduct of studies.
- Cooperation event held in June, on the premises of the National Communications Authority of Hungary (NHH), with the participation of 3 technicians from ICP-ANACOM, to exchange experiences and knowledge with respect to spectrum monitoring and control activities. The second phase of this activity took place in Portugal in October, with an NHH team participating in the daily work of the Spectrum Management Directorate in the area of Monitoring and Control.
- In October, ICP-ANACOM received a delegation from the Postal sector of Venezuela, consisting of the ministry and incumbent operator. This meeting was requested by the Venezuelan delegation, and saw participation from CTT.
- In November, a visit of the Ecuador postal regulator, the National Postal Agency, took place, with the aim of sharing the portuguese experience in terms of regulating the postal sector.

- Participation in the XII Congress of ACIST - Business Association of Telecommunications held in Praia, in Cape Verde, in support of the internationalization of portuguese business. This event was attended by over 100 sector entities (from Portugal and Cape Verde) and contributed to raising awareness of the Cape Verde authorities with respect to the importance of ITED regulation and to the establishment of partnerships between different companies of the two countries.
- Establishing contacts with entities versed in international cooperation, to establish possible partnerships which will facilitate cooperation plans and further optimization human and financial resources, including:
 - Start of negotiations on a protocol with the National Institute of Administration (INA) to allow the technicians and managers of regulatory bodies from PALOP access to their advanced training courses.
 - Initiation of contacts with the IPAD, with agreement reached on the conclusion of a cooperation protocol to ensure free Portuguese training for technicians of the regulatory body of East Timor (ARCOM), given by portuguese teachers based in East Timor as part of the portuguese training programme. Moreover, IPAD has also supported ANACOM, allowing the free shipment of literature and equipment to PALOP countries.

Several meetings with the World Bank and with the heads of the InfoDev Programme. These contacts led to the exchange of information on ongoing projects, trying to avoid duplication of activities and opening doors for the establishment of partnerships to enable possible joint operational missions of cooperation during 2009, with respect to PALOP.

04.

Communication Activities,
Handling of Requests and Attendance



● External Communication

ICP-ANACOM has adopted a position of openness, striving for the widespread dissemination of information on the communications sector and its regulatory activities, with the aim of better informing the general public and contributing to the development of the sector. The disclosure of information and promotion of transparency are, in fact, part of ICP-ANACOM's statutory and legally established remit.

Accordingly, it announces its decisions and initiatives, as well as a variety of market relevant information, through the gathering, processing and production of content, using the means of communication available to it, including its website and the monthly newsletter Spectru and various publications.

This Authority pays particular attention to its relationship with the general public, particularly consumers and users of communications services, dealing with the various requests addressed to it, a task handled by its Public Attendance Service (PAS). The Centre for Documentation and Information (CDI) constitutes another connection with the general public.

Internet Presence

Present on the Internet since 1997, the website of ICP-ANACOM, available at www.anacom.pt, is a response not only to a statutory obligation, but also to the objective of keeping the different types of public informed with news on the communications sector.

2008 marks a milestone in the life of the ANACOM domain. On 1 July a new website with a revamped image was launched. The new website is totally user-focused and designed to meet the challenges and best practices with respect to issues such as accessibility and usability. This website is especially innovative through its use of semantic classification of available content and the presentation of its own taxonomic structure, although sharable with interested institutions. A host of new features have been incorporated into the site which ranks it among the foremost of its peers.

A number of structural changes were introduced in terms of graphic development, usability, accessibility, semantic classification, mobile web and technological development.

The new web site also incorporates the following features: Robobralle, Subscription, 'Quoting functions', 'Enlarge' and 'Shrink text', Google Maps, 'Add to Calendar' function, high contrast version, introduction of new ITED search services, Google Search Appliance, a dynamic Glossary, print-friendly versions for content, "PDF on demand", "Heading" of PDFs and statistical monitoring.

Improvements were also made to some best practices which were already being developed, such as the provision of an english version which is almost equivalent to the portuguese version and a text version (in Portuguese and English) to make access to the website's contents easier for people with special needs. Additionally, the text version provides access to information from less conventional technology platforms such as television and game consoles, among other third generation equipment or less conventional equipment.

ICP-ANACOM also focuses on the appeal of the contents, and as a result of these efforts, the number of visitors to this Authority's website totalled 2.1 million in 2008. There were approximately 44 million page views, with an average number of daily visits to the order of 6,000.

Image and Contents

The provision of information on the site involves the search, selection, examination, processing, validation and updating of content from various national and foreign sources. This activity covers not only the initiatives and activities of the regulator - in particular the publication of the determinations adopted by the Board of Directors of ICP-ANACOM with external impact, studies, surveys and consumption surveys and sector statistics - but also sector news at a European, in particular European Union, and world level.

Meanwhile, new thematic areas were created including:

- "Public Procurement", which includes all relevant information in terms of procurement, including tender schedules and specifications, as well as the listing of tenders launched by ICP-ANACOM, the progress of which can be followed until their conclusion;
- "Emergency Communications", which contains information on various emergency communications, including details on the powers of ICP-ANACOM, applicable national and community legislation, studies and reports and links of interest.

In addition, a review was made of the thematic areas on "Digital Television", "International Roaming" and "Spectrum Management" and two subsections created to give details of events promoted by ICP-ANACOM in 2008: one on the "ANACOM Conference", held on the "Universal Service" and another entitled "Workshop Standardisation - Development of Cable Infrastructure in Buildings" including all relevant information on these events (programme, venue, registration, presentations, conclusions, etc.).

With respect to "International Presence", a page was created for the promotion of the national candidature to the post of Director General of the International Telecommunications Satellite Organization (ITSO), which was successful, with the elections held in the Assembly of Parties which took place in Estoril, in October 2008.

Further areas such as those on the "ANACOM Seminars" and "ANACOM Consultations" included featured content throughout the year, following the activities undertaken by the Authority.

In turn, the "Tariff Monitor" of the mobile telephone service - a simulator designed and developed by ICP-ANACOM in 2005, in partnership with the three operators of mobile telephone service (TMN, Vodafone and Optimus), which allows consumers to perform free and interactive consultations and comparisons of the fees that are in place at national level for voice calls, text messages (SMS) and multimedia messaging (MMS) - received considerable use in 2008: about 16.9 thousand hits and more than 15.3 thousand simulation operations performed, corresponding to an average of about 1,408 hits and 1,275 simulations every month.

Cooperation was continued with the Citizen's Portal (Portal do Cidadão) and the Company Portal (Portal da Empresa).

At the end of 2008, 14 of the services provided by ICP-ANACOM were available on the Citizen Portal with different levels of sophistication: 1 interactive service, 2 information services and 11 transaction-type services.

Meanwhile, the Company Portal offered 37 services associated with this Authority with different levels of sophistication:

Table 11 - Level of sophistication of services (Company Portal)

Sophistication of service	Nº of Services	Description
Information service	8	Users can find information about the service, times and places
Interactive service	12	Users can download forms and/or submit requests online
Transactional Service	17	Users can complete the whole process online

Spectru

The regular publication SPECTRU is one of the main ways that ICP-ANACOM conducts institutional communication with the public, since this official information newsletter of the regulator makes a decisive contribution to spreading knowledge about the electronic communications and postal sector.

In 2008, the Spectru newsletter maintained its structure, comprising three major areas - communications in Portugal, in Europe and Worldwide, news from internal sources on the regulatory activity and the presence of ICP-ANACOM in international organizations, as well as informative content of external origin, particularly from counterpart bodies and other international reference institutions.

Meanwhile, on a non-regular basis, supplements were published, containing legislative information and relevant documents, at a national or european level.

Produced on paper only in Portuguese, the Spectru newsletter has a circulation of 500 copies, and is sent to various entities, including ministries, consumer protection institutions, operators and providers of communications services, industry, ICP-ANACOM's national counterparts and counterparts in Portuguese-speaking countries. The english version, produced only electronically (PDF format), is essentially sent to heads of foreign national regulatory authorities, as well as sectoral representatives of the European Commission and different relevant international bodies.

The two electronic versions of Spectru, one in Portuguese and the other in English, are available on ICP-ANACOM's website with monthly subscribers receiving an alert whenever a new edition is published. This option to subscribe online, for free, has been available since 2003.

The newsletter Spectru's electronic version had 2,600 subscribers in December 2008.

Table 12 - Evolution of new subscribers to Spectru

	2003	2004	2005	2006	2007	2008	TOTAL
New subscribers	481	669	491	291	388	280	2,600
Portuguese version	408	575	418	241	325	231	2,198
English version	46	58	39	32	33	31	239
Both versions	27	36	34	18	30	18	163

● Image and institutional relationship

ICP-ANACOM has sought to maintain and consolidate a corporate image that conveys credibility and seriousness, but which is also dynamic and current, highlighting the interventionist nature of its activity and concern for consumer interests.

The corporate image chosen for 2007 is reflected in an identifying graphic image common to all publications and media, which will remain in place until 2009. Key elements of corporate image include ICP-ANACOM's logo and the tagline "Free Flowing Communication", affirming the role of the institution as a guarantor and promoter of transparent and effective communication.

ICP-ANACOM released several publications in 2008, some of which were statutorily required, as well as information pieces and institutional promotions, mainly connected to events of sectoral relevance or the allocation of sponsorship and other support, including advertising inserts.

Continuous priority is given to the relationship with national authorities with sectoral relevance through the establishment of partnerships. Internationally, this relationship is reflected, in particular, in the organization of meetings of working groups of organizations in which ICP-ANACOM participates.

Publications

2008 saw the publication of the Annual Report and Accounts, Regulation Report and the Communications Situation Report, all with respect to 2007. While the first was published, as usual, in both English and Portuguese, the other two reports were published, in their paper version, in Portuguese only, but provided in both Portuguese and English in the electronic versions available on the website of this Authority. 2008 also saw the launch of the 2nd edition of the Communications Sector in Portugal Yearbook (bilingual version - Portuguese and English).

Meanwhile, this Authority published, in electronic format only, the 2007 Activities Report and the Strategic Plan 2009-2011, both in Portuguese and English.

In the context of technical publications, note should be made of the release, in electronic format only, of the following titles:

- National Frequency Allocation Plan 2008 (QNAF 2008);
- The study 'Comparisons of prices of providers of the universal postal service in the European Union;
- GSM/UMTS Mobile Communications Systems - Evaluation of QoS of SMS and MMS;
- GSM/UMTS Mobile Communications Systems - Evaluation of the QoS of the voice service, supported through GSM technology vs. GSM/UMTS Automatic Selection, in Greater Lisbon, Greater Porto and the main Lisbon-Porto road;
- Assessment of Quality GSM/UMTS Mobile Networks and Services in major urban areas and along the main roads of Mainland Portugal;
- Assessment of Quality of GSM/UMTS Mobile Networks and Services on the *Alfa Pendular* Service of CP (Portuguese Railways);
- Evaluation of the Internet Access Service;
- GSM / UMTS Mobile Networks and Services - Evaluation of the QoS of the Voice Service, Video telephony and network coverage - Azores and Madeira;
- Implementation of the Regulation on international roaming - Results of Portugal versus the overall results of the European Union - April 2007 / March 2008;
- Network of Postal Establishments of CTT - first half of 2008.

Events and Meetings

ICP-ANACOM held, on 18 September 2008, in Lisbon, the second international conference with the theme "Universal Service", which brought together 271 participants, including policy makers, academics, representatives of operators and sector bodies, members of international organizations and other regulatory authorities.

The purpose of this conference was to promote constructive debate on the major issues raised by the universal service in the communications sector, in view of the current challenges of a dynamic society marked by the rhythm of technological evolution and of the markets and of the changing need and guarantees of users of communication services. Proceedings focused on the dual reality of the communications sector, covering the debate underway in the context of the reform of the regulatory framework for electronic communications, launched in November 2007, as well as the liberalization of the postal market, due in 2011. Therefore, attention was given to the scope, quality, price, form of provision and financing of the US, as well as its relationship with competition in the communication markets and user protection.

ICP-ANACOM also organized the 2nd Congress of the Portuguese Committee of URSI, on "Electromagnetic Compatibility and New Radiocommunications Services." This Congress, held on 20 and 21 November 2008, was preceded by an invitation to academia to present proposals for works in areas related to the respective theme (call for papers). In parallel, a technical display was put on with the participation of nine exhibitors.

In October 2008, the workshop "Standardization - Development of Cable Infrastructure in Buildings", an event that aimed not only to fulfil a statutory objective of this authority - the promotion of technical standardization in the communications sector and related fields -, but also at the promotion of debate on the activity of standardization, in addition to encouraging the adoption of european and international standards.

The "ANACOM Seminars" initiative continued through 2008, with the objective of promoting knowledge, discussion and debate around several themes of importance to the sector, with the presentation and discussion of works or academic projects by national and foreign authors. Seven seminars were organized around the following themes:

- Study on the identification and characterization of radio frequency digital signals;

- The broadband efficiency index: what really drives broadband adoption across the OECD?;
- Study on the corporate consumption of postal services;
- An empirical analysis of fixed and mobile broadband diffusion;
- Study of the impact of non-linear distortion on the management of the radio spectrum;
- Bandwidth driven growth: policy essentials for next generation development;
- Crowding out or complementarity in the telecommunications market.

At the seminar held in July, a presentation was made of the "Study on the Corporate Consumption of Postal Services", conducted by KPMG Advisory for this Authority. The main objectives of this study were: to characterize the corporate consumers in terms of demand for postal services and to characterize the B2B and B2C corporate postal markets, assess perceived quality and levels of satisfaction of business consumers and assess the behaviour of senders in the light of the development/implementation of the liberalization process.

In addition, five seminars were organized, covering the national territory, on issues related to the regime of telecommunications infrastructures in buildings (ITED), in terms of training and best practices, with a view to promoting best practice in the application of this technical standard.

In 2008, 28 meetings of technical groups of international organizations were held in Portugal, as part of ICP-ANACOM's remit to provide representation of the communications sector, as in the case of the Independent Regulators Group (IRG), the European Conference of Postal and Telecommunications Administrations (CEPT) and the European Network and Information Security Agency (ENISA).

Preparations were also begun for the organization of the 4th World Telecommunication Policy Forum (WTPF-09) of the International Telecommunication Union (ITU), which will be held in Portugal, in the Lisbon Congress Centre, from 22 to 24 April 2009.

Sponsorship and Publicity

ICP-ANACOM sponsors various initiatives with relevance to the objectives of its regulatory activity and to the communication sector, promoting their development, the disclosure of information and the debate on key issues, as well as scientific research and training.

Over the course of 2008, 33 sponsorships were granted, the majority corresponding to events, with a smaller number granted with respect to other types of actions such as competitions, courses and publications. Particular note should be made of projects promoted by educational institutions and entities representing the sector, as well as of other bodies with relevant activities within the communications sector. With respect to the themes covered through the sponsored initiatives, most related to electronic communications and the information society.

In this context, partnerships were maintained through sponsorship and cooperation protocols, with bodies contributing to the research and production of studies on the sector, such as *Instituto Jurídico da Comunicação* (IJC) and *Centro de Estudos de Direito Público e Regulação* (CEDIPRE).

The project "*TIC Pediátrica*" (Paediatric ICT) of FDTI - *Fundação para a Divulgação das Tecnologias de Informação*, supported by ICP-ANACOM since its inception, was also followed throughout 2008, particularly with regard to the implementation of the 3rd phase of the project, launched on 24 October 2008, in connection with the following paediatric hospitals: Hospital de Bragança, Hospital Amato Lusitano, in Castelo Branco, and Centro Hospitalar Cova da Beira, in Covilhã.

This project aims to equip the units of paediatric hospitals with the technological infrastructure which enable hospitalized children to enjoy moments of leisure, to keep up with family and friends and stay in contact with school. Accordingly, it is directed not only at hospitalized children and hospital technicians and volunteers, but also at the families of these children, assuming also an educational component.

The partnership continued between ICP-ANACOM and APDC - *Associação Portuguesa para o Desenvolvimento das Comunicações* (Portuguese Communications Development Association), which has existed since 2003.

In the context of participation in *Agência Municipal de Energia and Ambiente Lisboa E-Nova*, ICP-ANACOM followed up on the sponsorship granted in July 2007 to the project "*Reabilitação Sustentável para Lisboa*" (Sustainable Rehabilitation for Lisbon) promoted by the *Lisboa E-Nova* in partnership with Lisbon Municipal Council, aiming at the promotion and implementation of actions that could improve energy-environmental performance in buildings to be renovated by the Council. The participation of ICP-ANACOM has the aim of including sectoral aspects of the project, ensuring that the rules related to ITED (Telecommunications Infrastructure in Buildings) are included.

In terms of publicity, around 70 proposals were assessed, with ICP-ANACOM taking an advertising presence in a number of newspapers, directories and magazines.

Institutional Partnerships

ICP-ANACOM maintained institutional partnerships with national authorities with sector relevance, promoting the communications sector.

In this context, note should be made of this Authority's activity with respect to *Fundação Portuguesa das Comunicações* (Portuguese Communications Foundation), which involves the direct accompaniment of the activity of the bodies in which it is represented, in addition to its presence in the permanent exhibition of the Museum of Communications, specifically through the maintenance the "*Espaço ANACOM*" (ANACOM Space). ICP-ANACOM also sits on the jury of the "*Prémio FPC*" competition.

In partnership with CTT - Correios de Portugal, ICP-ANACOM organised the 2008 edition of the letter writing competition, aimed at young people residing in Portugal, between the ages of 9 and 15, and on the theme of "Explain why the world needs tolerance". The winning letter, written by Mónica Albino, from Funchal, Madeira, was translated and forwarded to the Universal Postal Union (UPU) to represent Portugal in the international letter writing competition promoted by this organization and was awarded a bronze medal for coming in third place. The prizes were awarded as part of the celebrations of World Post Day, on 9th October, at the FPC. Meanwhile, the 2009 edition of the letter competition was launched under the theme "Explain how decent working conditions can lead to a better life".

The institutional relationship with *Associação de Promoção do Multimédia em Portugal* (APMP - Association for Promotion of Multimedia in Portugal) was maintained, leading to the release of a newsletter of relevant information on the activities of ICP-ANACOM. As part of the partnership with Obercom - *Observatório da Comunicação* (Observatory for the Media) - contacts were maintained with the aim of taking future opportunities of mutual interest.

Mention should also be made of the award, in November 2008, of sponsorship to ACIST - Business Association of Telecommunications for the XII National Meeting of Small and Medium-sized Companies of the Communications Sector.

● Direct relationship with the public

Processing of requests with respect to the market

Within the scope of the Image and Communication Directorate, in 2007 the *Divisão de Apoio aos Utilizadores* (Division for end-users support) was set up. The mission of this unit is to provide support to users of communications and information society services as well as to the general public. This division is responsible for dealing with complaints and requests for information on the market, providing information and providing clarification to stakeholders. In terms of the workload involved, the entry into force of the complaint book system, established by Decree-Law no. 156/2005 of 15 September, as amended by Decree-Law no. 371/2007 of 6 November, continues to have a strong impact.

In the handling of complaints, regular and informal contacts were maintained with the Directorate General for the Consumer in order to coordinate and maximize the work undertaken by each entity in terms of the respective areas of sectoral competence.

Contacts were also initiated with the Bar Association and *Universidade Nova de Lisboa* with a view to signing memoranda of cooperation in this area.

In particular with regard to complaints entered in complaint books, the Directorate General for the Consumer, in partnership with the National Mint, is developing a tool, called SER - *Sistema Estatístico de Reclamações* (Statistical System of Complaints), to allow the management and processing of complaints and facilitate the communication of resulting statistical data. In this context, all entities with responsibility for implementing the law were contacted, with a view to promoting the formalization of a cooperation protocol.

In 2008, ICP-ANACOM received 33,814 complaints of which 75 per cent were entered in complaint books (pursuant to Decree-Law no. 156/2005 of 15 September, as amended by Decree-Law no. 371/2007 of 6 November), 18 per cent were received in electronic format (Online Services or email) and the remaining 7 per cent by letter or fax.

This number was in addition to 421 requests for information, 123 petitions, 34 suggestions and 287 communications of other types.

Compared with 2007, the overall volume of complaints received in 2008, grew by around 36 per cent. The main reason for this trend is the growth in the volume of complaints entered into complaint books, received under the cited Decree-Law no. 156/2005 of 15 September.

Also of note is the growing use of electronic means for addressing complaints to ICP-ANACOM, particularly through the Online Services available on this Authority's website, whose rate of use increased by approximately 99 per cent (from 1,870 complaints registered in 2007 to 3,715 complaints registered in 2008).

In terms of the areas giving rise to most complaints, 74 per cent of complaints related to the electronic communications sector and 20 per cent to the postal sector, whereas, in the postal sector, almost all of the complaints (97 per cent) were entered in complaint books.

In the electronic communications sector, the Internet access service was behind the largest number of complaints, followed closely by the telephone service at a fixed location and the cable television service.

Regarding the issues underlying the complaints, in line with recent years, most complaints relate to issues of technical assistance/equipment, customer service and billing.

Under ICP-ANACOM's powers regarding the protection of consumer interests, and in compliance with the Strategic Plan for 2008-2010, a study was conducted evaluating extrajudicial means of dispute resolution and possible extension of such means to the electronic communications sector, whereby, based on a national and international benchmarking effort, it was concluded that there were serious deficiencies in access to these mechanisms by end-users of electronic communications services. Based on the results of this study and under national and EU law in this area, approval was given in June to the launch of a project to create a national arbitration centre specialized in the electronic communications sector. Subsequently the process was begun of evaluating the feasibility of this project, with completion due in 2009.

In November 2008, with a view to strengthening the protection of consumer interests, a study was begun to assess the possible revision of the conditions currently imposed on providers of electronic communications in the processing of complaints. This study is due to be concluded in the first quarter of 2009.

Public attendance service

ICP-ANACOM's direct relationship with the public-consumer, in line with previous years, was handled in the most part by the Public Attendance Service, located in the Authority's headquarters, in Lisbon, and regional offices (Porto, Azores and Madeira).

In 2008, the preferred means of communication for contacting this Authority, through the Public Attendance Service, was the telephone (21,158 contacts) followed by post and fax (15,783 contacts), electronic (4,313 contacts) and personal visit (4,224 visits). In total, the PAS received a total of 45,478 requests.

Directly through the PAS, ICP-ANACOM provides a range of services, including: (i) registration of ITED installers and project managers, including all related amendments, the reception, processing and preparation of lists and filing of ITED terms of responsibility and certificates of conformity; (ii) registration, and all subsequent changes with respect to CB (citizen's band) customers; (iii) the scheduling and conduct of amateur exams and issue of the respective certificates; (iv) registration of intermediary providers of network services.

In Table 13 the distribution by service is detailed in respect of requests received by the PAS during 2008:

Table 13 - Distribution of the number of requests by type of service

Requests segmented by ICP-ANACOM services	Number	% (of total)
ITED	18,219	47,6
CB - Personal Radio Service	7,341	19,2
Amateur Service	4,300	11,2
LMS - Private Networks	2,010	5,2
Non-discriminated Services	1,471	3,8
Non sectoral	867	2,3
Television Broadcasting Service	755	2,0
Electronic Communications Networks and Services	677	1,8
Mobile telephone service	522	1,4
Telephone Service at a fixed location	418	1,1
Radio Broadcasting Service	416	1,1
Other Radio Services	392	1,0
Internet Access Service	223	0,6
Postal Services	190	0,5
Audiotext services	126	0,3
Digital Television DVB-T Service	96	0,3
VoIP	89	0,2
Cable Television Distribution Service	64	0,2
Satellite Services	50	0,1
Virtual Phone Cards Services	39	0,1
Public payphone service	33	0,1
Intermediary network service providers	11	0,0
Total	38,309	100,0

Requests received by mail and by phone or person, with respect to "ANACOM services" saw an average answer time of 8 minutes, while 25 per cent of requests were answered in under 3 minutes, 50 per cent in less than 5 minutes and just 25 per cent of requests were answered following a delay of over 11 minutes.

For requests received by electronic means, also with respect to "ANACOM services", the average response time was 109 hours, with 25 per cent answered in less than 9 hours, 50 per cent in less than 33 hours and only a quarter of the requests had a response delay of more than 106 hours. The latter, involved requests for technical advice to the competent area depending on the issue. It should be noted that, as channel that is open 24 hours a day, response times are calculated including nights, weekends and holidays.

Centre for Documentation and Information (CDI)

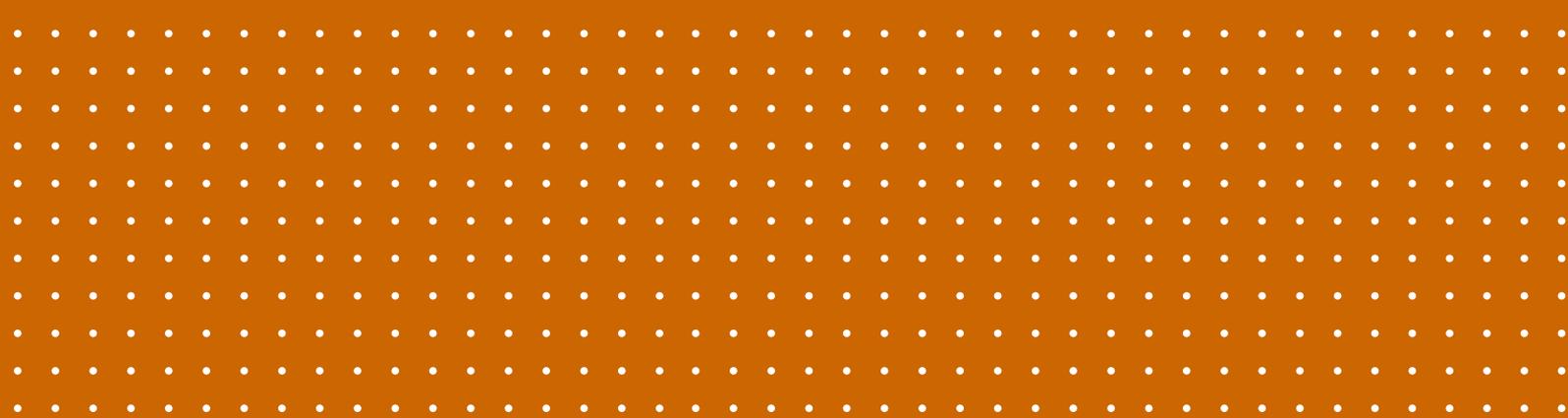
Although its primary objective is to support ICP-ANACOM, concentrating all types of publications which are essential to its staff in a single location, the CDI is open to the general public, between 9am and 5pm, Monday to Friday. Visitors can consult documentation and access the bibliographic catalogue, as well as other databases and online services.

In 2008, in terms of external users, the CDI received 144 telephone requests, 41 requests in person, 1 written request and 47 requests by email, making a total of 233 requests.

Meanwhile, the CDI has promoted the services which it provides to the various segments of the public at which it is aimed, culminating in the release of the ANACOM Library, launched in 2008 on the website of ICP-ANACOM.

05.

Standardization, Technical and Laboratory Activities



● Standardization

Under the terms of and in compliance with the regime set out in art. 29 of Law no. 5/2004 of 10 February, a notice in was published in *Diário da República* reporting the publication in the Official Journal of the European Union of the European Commission's Decision amending the list of harmonized standards.

● Technical support with respect to the radio and terminal equipment market

In this field, controls were carried out during 2008 of the market for radio and telecommunications terminal equipment through the performance of tests on equipment covered by Decree-Law no. 192/2000 of 18 August. Technical opinions were issued in respect of litigation proceedings.

Likewise, measures of control were taken with respect to the market and the industry in verifying the essential requirement of electromagnetic compatibility in electronic communications equipment covered by Decree-Law no. 325/2007 of 28 September. Technical opinions were also issued in litigation cases.

There was, in comparison to the previous year, a decrease in requests from police and judicial authorities for the inspection of equipment for receiving digital television via satellite and cable, under Decree-Law no. 5/2004 of 10 February, totalling 27 applications.

Due to numerous complaints related to the use of *Powerline technology*, measures were taken of technical verification of equipment with laboratory support.

● Laboratories

Keeping in mind the need to rationalize and optimize the work of laboratories, a process was initiated, aimed at changing the accreditation model of the laboratories (classic model) to the flexible accreditation model.

Therefore, steps considered essential were initiated, with the aim that the independent accreditation granted to each laboratory will be combined in a single accreditation. In June 2008, a single accreditation was granted by IPAC - *Instituto Português de Acreditação* (Portuguese Institute for Accreditation).

Electromagnetic Compatibility Laboratory (LCEM)

In 2008, 105 equipment appliances were tested, of which 22 tests were carried out at the request of outside parties and 85 for the purposes of supporting the area of market supervision (internal client - DFI).

The LCEM remains accredited by IPAC - *Instituto Português de Acreditação* (Portuguese Institute of Accreditation) according to standard NP EN ISO/IEC 17025 for performing tests.

Following up on the obligations to provide evidence of competence, arising from this accreditation, the LCEM accepted the invitation of the APLAC - Asia Pacific Laboratory Accreditation Cooperation to participate in an exercise of international inter-laboratory comparison (coordinated at national level by IPAC), in the area of electromagnetic compatibility, encompassing tests of radiation emission measurement and conducted at the power point.

In the context of the R&TTE Directive (1999/5/EC), approval was given for the acquisition of test equipment for the testing of immunity of conducted disturbances, induced by radio-frequency fields, of voice telephony terminal equipment of the PSTN network, as provided for in the harmonized standard EN55024.

Radiocommunications Equipment Laboratory (LR)

As part of the supervision of the market of radio equipment (R&TTE Directive), 135 radio equipment appliances with different applications were tested - of which 37 were encompassed by an European surveillance campaign.

Four actions were undertaken, providing expertise on radio equipment, at the request of judicial and police authorities.

The performance of studies and tests was continued, with a tendency towards the expansion of the number of features that can be subjected to laboratory verification.

All technical and auxiliary procedures which govern the laboratory activity were reviewed with a view to improvement and in view of the model of a single laboratory with flexible accreditation.

Metrology Radio Laboratory (MRL)

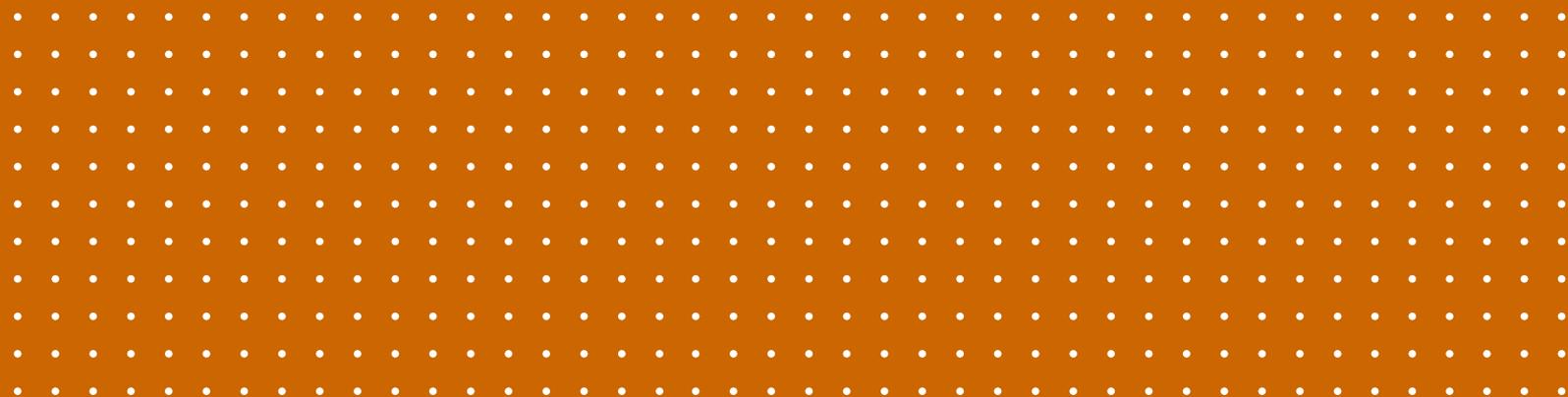
In 2008, the internal calibrations plan was completed, with 143 pieces of equipment calibrated. The number of calibrations performed for external clients did not change significantly over 2007, with the calibration of 132 pieces of equipment performed.

The accreditation granted by the Portuguese Institute for Accreditation (IPAC) according to standard NP EN ISO/IEC 17025, for performing calibrations with respect to the electrical field and frequency, was maintained.

In line with the obligations of this accreditation, the laboratory participated in a programme of inter-laboratory comparison organized by *Associação de Laboratórios Acreditados de Portugal* (RELACRE - Association of accredited laboratories in Portugal) on the calibration of Attenuation and VSWR (DC up to 12 GHz).

06.

Other Activities



● Communications security

New 112 Operation Model (European Emergency Number)

In accordance with Resolution of Council of Ministers no. 164/2007 of 20 September, in particular with the provisions of paragraphs 3 and 4, ICP-ANACOM participated in two meetings on the reorganisation of the 112 operation model, providing a written contribution on the issue, addressed to the coordinator of the specialist group established by the Resolution.

Assessment of possible constraints in the routing and delivery of 112 calls

In this respect, questioning was conducted of all companies with an obligation to offer their subscribers uninterrupted access to emergency services.

From the compiled information, there are no clear situations which raise concerns, either in terms of routing, or at the level of delivery, while note is made of the need to improve monitoring and statistics procedures in the future.

E112 Regulation

Given the importance of establishing the regulatory framework principles and rules to be followed by companies which offer publicly available networks and/or telephone services in ascertaining the location of the person making the call to the 112, *"Draft Regulation 112L - Provision to authorities responsible for providing emergency services of information on the location of callers to the single European 112 emergency number"* was drafted and submitted to public consultation.

Failures in communications

During 2008, there were two new incidents which affected communications in the Azores, occurring on 15 March and 22 July.

Following these failures, and among other actions, ICP-ANACOM decided to bring forward the study provided for in its 2008-2010 Activities Plan for the identification and characterization of the main nodes and routes of traffic flow internationally and between the mainland and the Autonomous Regions, giving priority to Autonomous Regions, including intra-regional communications.

Establishment of ICP-ANACOM Sub-Register

In order to provide ICP-ANACOM with the means necessary for the control and management of classified material, which, within its powers, may be necessary in terms of National Security, it was decided to establish at ICP-ANACOM a security body at Sub-Register level.

Accordingly the necessary steps were taken in order to obtain approval from *Autoridade Nacional de Segurança* (National Security Authority), which will be preceded by the inspection of the opening of the ICP-ANACOM Sub-Register.

Unsolicited communications (SPAM)

In 2008, with the objective of including content on unsolicited communications on ICP-ANACOM's website and conducting surveys on such matters, the following actions were performed:

- Conduct of an inquiry of ISPs on measures to combat spam and the respective summary report of responses;
- Participation in the meeting of CNSA and in the joint CNSA/LAP meeting;
- Promotion of an awareness raising session on combating unsolicited communications, which included the presence of staff from FCCN, CNPD and UMIC;
- Creation of an area on ICP-ANACOM's website on combating unsolicited communications;
- Analysis of a proposed amendment to D.L. 7/2004 by the Directorate General for the Consumer.

Interdependencies between the private networks of the state and the public electronic communications networks

The security of an electronic communications network, particularly in terms of its resilience depends not only on factors that are under the control of its management structure, but also on others related to other networks.

Therefore, in 2008 a study was initiated with the aim of assessing what types of interdependencies exist between public communications networks and certain private electronic networks of the state, and is due for completion in 2009.

Interdependencies between civil protection policies and electronic communications policies

Civil protection is crucial for the normal functioning of a society, given that its development depends to a large extent on the resources which allow communication between authorities and between authorities and citizens.

To conduct these communications, civil protection authorities make use not only of private resources, but also of public electronic communications networks. Therefore, the Law of Electronic Communications sets out several provisions that seek to secure the relevant public interests.

To assess the experience gained by the various parties involved, in 2008 ICP-ANACOM launched a study on interdependencies between civil protection policies and communications policies, which will also be conducted in 2009.

Evaluation of the concession of the public telecommunications service from the point of view of communications security

In 2008, a study was initiated to evaluate the concession of public telecommunications service with respect to communications security, the conduct of which will continue during 2009.

Object Identifiers

As part of ICP-ANACOM's participation in the *Conselho Gestor do Sistema de Certificação Electrónica do Estado* (Managing Council of the Electronic Certification System of the State), the need was identified to constitute a National Authority for Registration of Object Identifiers, in accordance with ITU-T Recommendation X.660. A legislative proposal is therefore being prepared for this purpose.

It should be mentioned that the identification of objects falls within the scope of digital identity management, an issue in respect of which, at international level, including in the ITU and the OECD, several works are being carried out in the context of the security of the Internet and IP-based networks, specifically Next Generation Networks.

Online Public Consultation of the European Commission - "Towards a Strengthened Network and Information Security in Europe"

The dissemination of the cited consultation, launched by the European Commission (EC) on 7 November, was promoted in order to compile information on the challenges of network and information security, the priorities and the resources need to achieve a strengthened policy of network and information security.

ICP-ANACOM made its contribution by responding to the consultation by proper means, aware of the importance of the matter so that the general public, and users in particular, derive maximum benefit in terms of choice, price and quality and have their rights to protection of privacy in electronic communications guaranteed.

Maritime Mobile Service

Note is made of the proposal forwarded to the Tutelage on 23 December, on the promotion of separate actions on the two components of this service - the SOS and emergency component and the public correspondence component - after which measures were taken to achieve compliance with the provisions of article 3 of the Decree-Law no. 31/2003 of 17 February.

● Advisor to the Government

The most relevant activities in this context are set out below:

- In compliance with the provisions of art. 9 of Regulation (EC) no. 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community, amending Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002, which determines that "Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented", a draft law of legislative authorization was drawn up and a draft decree-law authorized setting out said rules on penalties. The alignment of the fines applicable with the amounts provided for in the LEC determined the proposed form, while the Government subsequently decided to present a draft law that led to Law no. 35/2008 of 28 July;
- Preparation of Draft Decree-Law that defines the rules applicable to the amateur radio and amateur satellite services, approved by the Council of Ministers on 17/12/2008;
- Preparation of an opinion, at the request of the Secretary of State Assistant for Public Works and Communications (SEAOPC) on the draft Regulation of the public tender for the licencing of a nationwide, generalist programme service, with free, unrestricted access (5th channel Regulation), which was later approved by Administrative Rule no. 1239/2008 of 31 October;
- Study, providing implementation of Council of Ministers Resolution no. 120/2008, published in *Diário da República* of 30 July 2008, to identify barriers which currently restrict access, by companies of the electronic communications sector to conduits and other infrastructure suited to the accommodation of electronic communications networks and which, as such, constitute obstacles to development and investment in next generation networks. As part of this work concrete steps were also identified for inclusion in the legislative solution to be proposed to the Government;
- According to Resolution of the Council of Ministers of 10 July, published in *Diário da República*, 1st Series, no. 146 of 30 July, the Government determined that it was a strategic priority for the country to promote investment in next generation networks, listing a set of actions to be taken with a view to the mass take-up of high-speed access to the Internet and development of advanced applications, with the goal of connecting 1 million users to next generation networks by 2010. Further provision was made for social structures, such as schools, hospitals, public justice services, higher education institutions, museums and libraries, to be linked to next generation networks in accordance with a schedule between 2009 and 2010;
- In this context, legislation measures were prepared setting out the regime applicable to the construction of infrastructure suitable for the accommodation of electronic communications networks and to the installation of electronic communications networks and the construction of the telecommunications infrastructure in urban developments, condominiums and buildings, ensuring open and effective access by all operators to the network of conduits and other relevant facilities supporting next generation networks;
- Preparation of the draft resolution of the Assembly of the Republic to promote the approval, for ratification, of the Amendments to the Convention for the creation of the European Communications Office (ECO);
- Preparation of the draft resolution of the Assembly of the Republic to promote the approval, for ratification, of the Final Acts of the XX Congress of the Postal Union of the Americas, Spain and Portugal (UPAEP);
- Participation as Government adviser in a meeting convened by the European Commission in order to prepare the 14th Implementation Report of the Community regulatory framework applicable to electronic communications;
- Preparation of contributions, at the request of SEAOPC, for the twice-weekly debates of the Prime Minister in the Assembly of the Republic on the State of the Nation;

- Analysis at the request of SEAOPC, of two applications by PTC to the Minister of Public Works, Transport and Communications in accordance with the provisions of art. 26 of the Concession Contract, whose bases were approved by Decree-Law no. 31/2003 of 17 February, with a view to obtaining authorization for a merger operation, by the incorporation of PT.Com - Comunicações Interactivas, S.A. into PTC, and the merger by incorporation of PT Corporate - Soluções Empresariais de Telecomunicações e Sistemas, S.A. into PTC;
- Analysis of the draft law on the general rules governing goods in the public domain;
- Analysis and opinion, at the request of SEAOPC, on the draft Law of pluralism and non-concentration in the media;
- Analysis and opinion, at the request of SEAOPC, on the draft Law on the legal application of civil requisition and civilian mobilization for the public interest;
- Analysis and opinion, at the request of SEAOPC, of the draft to Decree-Law no. 103/2006 of 7 June - Schedule of ERC Fees;
- Preparation of contribution, at the request of SEAOPC, to the questionnaire and preparing for the visit of the OECD - Peer Review - Assessment of the Regulatory Capacity of the first 15 Member States of the European Union. Participation was also provided in the meeting with OECD representatives (meeting in PCM);
- Transmission to GPERI and SEAOPC regarding the progress in the implementation of Directive 2008/6/EC of 20/02/2008, amending Directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services.

● Links with other authorities and sectoral regulators

Autoridade da Concorrência (AdC - The Competition Authority)

Under paragraph 2 of article 28 of Law no. 18/2003 of 11 June (the Competition Law) an opinion of ICP-ANACOM was sent to AdC, requested by that Authority on the draft final decision adopted in respect of the case relating to the provision of leased circuits of PTC in which PTC was defendant.

Submission was likewise made to AdC, under the terms of paragraph 1 of art. 39 of the Competition Law, in May 2008, of an opinion on the prior notification of a concentration operation whereby CATVP-TV Cabo Portugal, S.A. proposed to acquire sole control of TVTel.

In the same area, during 2008, a number of additional items were sent to AdC, necessary for pursuit of cases involving the analysis of both the transaction referenced above, and that involving the acquisition of sole control by CATVP - TV Cabo Portugal, S.A., of Bragatel, of Pluricanal Leiria - Televisão por Cabo, S.A., and of Pluricanal Santarém - Televisão por Cabo, S.A.

AdC also asked, in 2008, for clarifications from ICP-ANACOM, following complaints received about the lack of transmission capacity in the links provided by PTC between the mainland and Azores and Madeira.

On this subject, which was already under review by the sector regulator, AdC was informed that the solution should be found under the laws and regulations applicable to the provision of leased circuits, the concession contract of public telecommunications service and, in particular, the obligations imposed on PTC pursuant to the analysis of wholesale markets for terminating and transit segments of leased circuits.

Other Entities

ICP-ANACOM received a request for an opinion from the panel of a public tender launched by the Ministry of Finance and Public Administration for the contracting of a fixed telephone service and related services, following a complaint lodged by Onitelecom in connection with practices restricting competition. The opinion of ICP-ANACOM on the subject was transmitted to the Ministry, which was notified to the Competition Authority, likewise consulted in this process.

At the request of *Gabinete para os Meios de Comunicação Social* (GMCS - Media department), a response was prepared to a questionnaire from the Council of Europe on legal protection of conditional access services.

A number of clarifications were also issued on the legal regime of the Municipal Fee for Rights of Way (MFRW), in response to several requests from municipalities.

● New fee model applicable to electronic communications

In November 2008, approval was given to the draft Administrative Rules on the new model for fees charged by ICP-ANACOM and on the reduction of fees for the Land Mobile Service for public use (SMTP).

Approval by the Board of Directors was preceded by an opinion of the Advisory Board of ICP-ANACOM, issued at the request of the Secretary of State Assistant for Public Works and Communications, which contained a set of recommendations.

In turn, the Office of the Minister of Parliamentary Affairs submitted comments on the proposed tariff.

The LEC has introduced new concepts and a new order with respect to the revenues of the Regulatory Authority, defining the method of calculation to be used in determining fees.

The new model, referred to in Article 105 of the LEC, requires substantial changes to the prior model, particularly as regards the fee model applicable to the use of the radio spectrum, which is based on spectrum allocated, irrespective of the operator customer base.

In this context, Administrative Rule no. 1473-A/2008 of 17 December was published, which approved changes to fees for the land mobile service (in UHF bands - decimetre waves).

In turn, Administrative Rule no. 1473-B/2008 of 17 December was published, which approved the fees due for the issue of declarations providing evidence of the rights, for the exercise of the activity of provider of electronic communications networks and services, for the allocation of rights to use frequencies and numbers, for the use of radio spectrum and other fees payable to this Authority.

The approach used to calculate the fees for the use of the radio spectrum is based on charging for the allocated spectrum; on the other hand, in a separate plan for the use of frequencies, associated with radio licencing, it was necessary to ensure effective and efficient use of frequencies.

This approach also took into account two areas of concern: competition, and a concern of a social nature, associated with broadcasting services - radio and television.

Given the significant changes brought about by this new pricing model applicable to electronic communications, and taking into account its entry into force on 1 January 2009, it was decided to have a transitional period of two and five years (the latter period for broadcasting services), giving those who have to pay more the chance to prepare, and preventing, on the other hand, a sharp drop in the overall revenues of this Authority.

● Fees applicable to operators of postal services

In February 2008, approval was given to the draft order on the fees applicable to operators of postal services subject to authorization, which would be published in *Diário da República*, 2nd Series, no. 104 of 30 May.

This draft resulted from the fact that the amount paid by the entities holding authorizations issued by ICP-ANACOM for services in competition had been found to be, in most cases, disproportionate to the volume of revenue generated.

It was therefore decided to redefine the fees payable by operators authorized to exercise the postal activity, in line with the distribution of the costs of postal regulation undertaken by this Authority, deducted from the consideration of costs associated with monitoring and supervising the provision of the universal postal service, based on the relevant turnover of service providers.

This order had retroactive effect from 1 January 2007 regarding the implementation of the annual fee for operators who hold an authorization for the exercise of the postal activity.

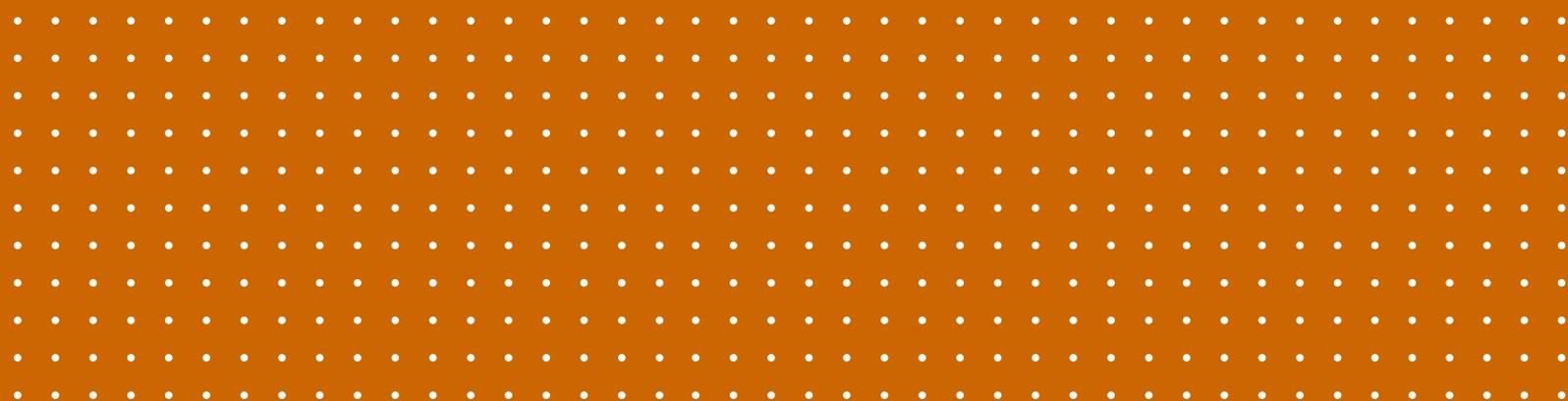
● SIMPLEX programme

In conjunction with the Coordination Unit of Administrative Modernization (Presidency of the Council of Ministers) in 2008, ICP-ANACOM participated in this programme, implementing the following measures:

- Improving the efficiency of information pages and electronic services available on the website;
- Electronic access to all ITED certificates of conformity, by any person, through ICP-ANACOM's website;
- Provision of document transmission and administrative procedures for registration and renewal of certification bodies in electronic form;
- Simplification of the licencing procedure and the relationship between radio amateurs and ICP-ANACOM, changing the regulatory framework for these services;
- Availability of resources which make it possible to apply for radio licencing of public mobile services (UMTS, GSM and Trunking) electronically via Internet;
- Availability of resources which make it possible to make applications for temporary radio licencing electronically via Internet.

07.

Annexes



● Annex 1 List of acronyms and abbreviations

ADSL	Asymmetric digital subscriber line	Mbps	Megabit per second (millions of bits per second)
AP	Assembly of Parties	MCA	Mobile Communications on board Aircrafts
BWA	Broadband Wireless Access	MCE	Monitoring and control of spectrum
CDMA	Code Division Multiple Access	MHz	Megahertz (unit of frequency equal to one million Hertz)
CLI	Calling line identification	MSS	Mobile satellite services
CNSA	Contacts Network of Anti-Spam Authorities	MTS	Mobile telephone service
CNSA/LAP	Contacts Network of Anti-Spam Authorities and London Group Action Plan	MVNO	Virtual mobile network operator
DVB-H	Digital video broadcasting - handheld	NRA	National Regulatory Authority
DVB-T	Common European proposals	ORCA	Leased lines reference offer
FTS	Telephone Service at a fixed location	PDM	Municipal director plans
FWA	Fixed wireless access	PLC	Communications via the electric transmission network
GHz	Gigahertz (unit of frequency equal to one thousand million Hertz)	PT	Project Team
GMDSS	Global Maritime Distress and Safety System	QNAF	National Frequency Allocation Plan
GSM	Global system for mobile communication	R & TTE	Radio and Telecommunication Terminal Equipment
IP	Internet Protocol	RCAO	Reference Conduit Access Offer
IPTV	Television over IP	RFID	Radio Frequency Identification
ITED	Telecommunication Infrastructure in Buildings	RIO	Reference Interconnection Offer
LCEM	Laboratory of Compatibility Electromagnetic	RUO	Reference Offer for Local Loop Unbundling
LEC	Law of Electronic Communications (Law no. 5/2004 of 10 February)	SINCRER	National System for Remote Control of Radioelectric Emissions
LRIT	Long Range Identification and Tracking of Ships	SMP	Significant market power

SMRP	Mobile service with shared resources
SMS	Short message service
SRD	Short-range devices
SRR	Short-range radar applications
SW	Short wave
TETRA	Mobile service with shared resources
TMDP	Municipal Fee for Rights of Way
US	Universal service
UWB	Ultra Wide Band
VSWR	Voltage Standing Wave Ratio
VTS	Vessel Traffic System
WAPECS	Wireless access policy for electronic communications services
WG	Working Group
WIMAX	Worldwide Interoperability for Microwave Access

● Annex II - List of other entities / organizations

AdC	Autoridade da Concorrência - (The Competition Authority)	ERC	Entidade Reguladora para a Comunicação Social (Regulatory Authority for the Media)
AICEP	Association of Postal and Telecommunications Operators of the Portuguese-speaking Countries and Territories	ERG	European Regulators Group
ANAC	Agência Nacional das Comunicações - (National Communications Agency)	ERO	European Radiocommunications Office
ANRT	Agence Nationale de Régulation des Télécommunications	ETO	European Telecommunications Office
ARE	Agency of Economic Regulation	ETSI	European Telecommunications Standards Institute
ASAE	Autoridade de Segurança Alimentar e Económica (Food and Economic Safety Authority)	EU	European Union
CEN	European Committee for Standardization	EUTELSAT IGO	International Mobile Satellite Organization
CEPT	European Conference of Postal and Telecommunications Administrations	GAERI	Office for European affairs and external relations
CERP	European Committee for Postal Regulation	IRG	Independent Regulators Group
COCOM	Communications Committee	ICCP	Policy Committee for Information, Computing and Telecommunications
COP	Postal Operations Council	ICN	Instituto de Conservação da Natureza (Institute for Conservation of Nature)
CPG	Conference preparation group	ICP-ANACOM	ICP - National Communications Authority
CPLP	Community of Portuguese Language Countries	IMO	International Maritime Organization
EC	European Commission	IMSO	International Mobile Satellite Organization
ECO	Electronic Communications Committee	INEM	Instituto Nacional de Emergência Médica (National Institute of Medical Emergencies)
ENISA	European Network and Information Security Agency	INTELSAT	Intelsat Ltd
		IPAC	Instituto Português de Acreditação (Portuguese Institute of Accreditation)
		IPG	Inter-session Planning Group

IPTM	Instituto Portuário e dos Transportes Marítimos (Port and Maritime Transport Institute)	SSB	Sector Standardization Body
IRGIS	Independent Regulators Group Information Sharing	TCAM	Telecommunications Conformity Assessment and Market Surveillance Committee
ITSO	International Telecommunications Satellite Organization	TSAG	Technical Services Advisory Group
ITU	International Telecommunication Union	TTE	Transport, Telecommunications and Energy Council
MERCOSUL	Mercado Comum do Sul (Southern Common Market)	UPAEP	Postal Union of the Americas, Spain and Portugal
NAV	Navegação Aérea de Portugal E.P.	UPU	Universal Postal Union
NRA	National Regulatory Authorities	WG FM	Frequency Management Working Group
OBERCOM	Observatory for the Media	WPCISP	OECD WG on Infrastructure and Communications
OECD	Organization for Economic Cooperation and Development	WPIIS	OECD WG on Information Society Indicators
PALOP	Países Africanos de Língua Oficial Portuguesa (Portuguese-speaking African countries)	WPISP	OECD WG on the Information Security and Privacy Policies of Services
PSP	Public Security Police	WSIS	World Summit on the Information Society
RAG	Radiocommunication Advisory Group	WTO	World Trade Organization
REPER	Permanent national representatives to the EU		
RRB	Radio Regulations Board		
RSC	Spectrum Committee		
RSPG	Radio Spectrum Policy Group		
SEAOPC	Assistant Secretary of State for Public Works and Communications		

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