

**COMMUNICATION TO THE COMMISSION OF ADOPTED MEASURES
UNDER ARTICLE 57.º OF LAW 5/2004, OF FEBRUARY 10, CONSISTENT WITH
ARTICLE 7.5 OF DIRECTIVE 2002/21/EC
(MARKET DEFINITION AND SMP ANALYSIS: MARKETS 1-6 AND 8-9)**

1. In March 8th, 2004 ICP-ANACOM Board of Directors [approved](#) the draft measures concerning the relevant market definitions and SMP assessments for publicly available switched narrowband services provided at fixed locations (retail and wholesale services, excluding transit).
2. According to [national consultation procedures](#), ICP-ANACOM's Board of Directors granted interested parties 30 days to comment on the draft measures. The [consultation](#) started on March 12th, 2004 and ended on April 26th, 2004.
3. The replies to the public consultation are [available at ICP-ANACOM's website](#). According to the aforementioned consultation procedures, ICP-ANACOM has produced a [Report on the Public Consultation](#) presenting the opinions of interested parties and stating ICP-ANACOM's position concerning the comments made.
4. ICP-ANACOM has also requested the opinion of the National Competition Authority – Autoridade da Concorrência -, concerning the definition of these relevant markets and the SMP assessment on these markets. Autoridade da Concorrência concurred with ICP-ANACOM's analysis and conclusions.
5. In May 20th, 2004, ICP-ANACOM Board of Directors [approved](#) the public consultation report and the draft measures. These draft measures took into account the replies to the public consultation and the opinion of the National Competition Authority.
6. In May 26th, 2004, ICP-ANACOM made the draft measures accessible to the Commission and the national regulatory authorities in other Member States, together with the reasoning on which the measures are based, according to Article 57.º of Law 5/2004, of February 10, consistent with Article 7.3 of Directive 2002/21/EC.
7. In June 25th, 2004, the Commission informed ICP-ANACOM's Board of Directors that:
“[t]he Commission...examined the notifications and has no comment... Pursuant to Article 7(5) of the Framework Directive, ANACOM may adopt the resulting draft measures and, where it does so, shall communicate it to the Commission.”^{1,2}:

¹ [Letter with reference SG-Greffe \(2004\) D/202507.](#)

² [Letter with reference SG-Greffe \(2004\) D/202508.](#)

ICP-ANACOM did not receive any comments from other National Regulatory Authorities either.

8. In July 8th, 2004, ICP-ANACOM Board of Directors adopted the measures concerning the market definitions and SMP assessments for publicly available switched narrowband services provided at fixed locations (retail and wholesale services, excluding transit).

9. Accordingly, ICP-ANACOM hereby now communicates to the Commission the adopted measures in accordance with Article 57.º of Law 5/2004, of February 10, consistent with Article 7.5 of the Framework Directive:
 - Concerning Markets 1 and 2, please refer to the following documents:
 - “Mercados do acesso à rede telefónica pública num local fixo – Definições de Mercados Relevantes e avaliações de PMS” [Non-confidential version: “*Mercados 1 e 2 – Versão Pública.pdf*”; Confidential version: *Mercados 1 e 2 – Versão Confidencial.pdf*]

 - Concerning Markets 3 to 6 and the market for publicly available telephone services at a fixed location - calls to non-geographic numbers, please refer to the following documents:
 - “Mercados dos serviços telefónicos publicamente disponíveis num local fixo – Definições de Mercados Relevantes e avaliações de PMS” [Non-confidential version: *Mercados 3 a 6 – Versão Pública.pdf*; Confidential version: *Mercados 3 a 6 - Versão Confidencial.pdf*]

 - Concerning Markets 8 and 9, please refer to the following documents:
 - “Mercados do acesso à rede telefónica pública num local fixo – Definições de Mercados Relevantes e avaliações de PMS” [Non-confidential version: *Mercados 8 e 9 – Versão Pública.pdf*; Confidential version: *Mercados 8 e 9 - Versão Confidencial.pdf*]